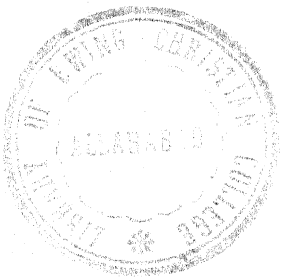
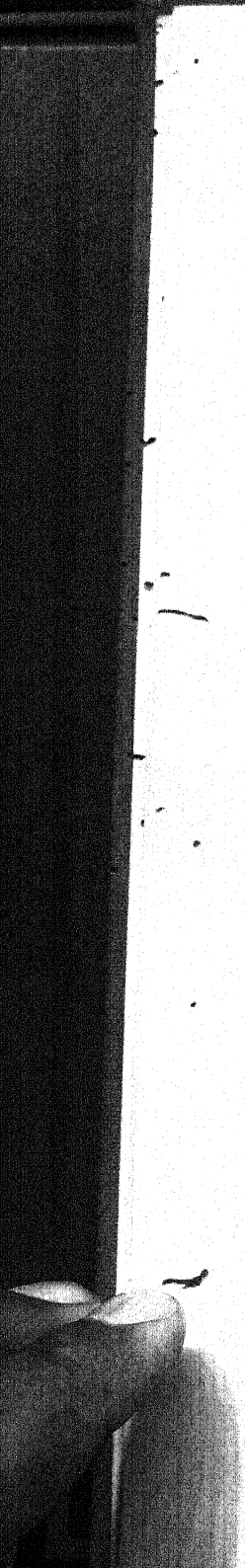
GETTELL'S

History of Political Thought

by LAWRENCE C. WANLASS
Mount Holyoke College



London
GEORGE ALLEN & UNWIN LTD



Gettell: HISTORY OF POLITICAL THOUGHT
first published 1924
Reprinted 1925, 1927, 1928, 1930, 1931, 1935
1936, 1939, 1943, 1946, 1947, 1948, 1949, 1951

Wanlass: GETTELL'S HISTORY OF POLITICAL THOUGHT
2nd Edition Published 1953
Reprinted 1956 and 1959

This book is copyright under the Berne Convention. Apart from any fair dealing for the purposes of private study, research criticism or review, as permitted under the Copyright Act 1911, *no portion may be reproduced by any process without written permission. Enquiry should be made to the publisher.*

PRINTED IN GREAT BRITAIN BY
NOVELLO AND COMPANY LIMITED
LONDON, W.1

PREFACE

Because the earlier edition of this book, written by the late Professor Raymond Garfield Gettell, was so well received, no attempt has been made in this revision to alter its general character. Many of the chapters remain much as they were. Where changes do occur they will be found primarily in the chapters dealing with Greek political philosophy and in the concluding chapters on liberalism, fascism, and communism. To give emphasis to these latter subjects, I have reorganized the book into parts, eliminating in the process a number of chapters on nineteenth century thought which now seem expendable. New chapter-end bibliographies have also been provided which contain recent, more available material.

In carrying out these modifications I have incurred many obligations. I am under a debt to other scholars on whose works I have relied. Professor Charles McIlwain's *The Growth of Political Thought in the West* has influenced my thinking about Greek political philosophy. A. J. and R. W. Carlyle's *A History of Medieval Political Theory in the West* has been of great value in revising those sections dealing with medieval thought. Elie Halévy's *The Growth of Philosophic Radicalism* has conditioned my thinking about British Utilitarianism. And George H. Sabine's *A History of Political Theory* has afforded me numerous insights into the form as well as the general content of political philosophy. I am also indebted to friends and associates who have offered advice and encouragement during the preparation of the typescript. My thanks are due especially to Harold U. Faulkner of Smith College, Roger W. Holmes of Mount Holyoke College, and Dwight Waldo of the University of California. My greatest debt, however, is to my wife Anita, who devoted long hours to this, our joint undertaking. This revision would not have been possible without her unfailing coöperation and support.

L. C. W.

CONTENTS

PAGE

PREFACE v

PART I

INTRODUCTORY

CHAPTER

I. The Nature of Political Thought 3
Origin of Political Thought 3
Political Thought and Political Institutions 4
Problems of Political Thought 6
Conservative and Critical Political Thought 10
Sources of Our Knowledge of Political Thought 12
Value of Political Thought 14

PART II

ANCIENT POLITICAL THOUGHT

II. The Beginnings 21
Primitive Political Ideas 21
Oriental Political Thought 23
Hindu Political Thought 25
Chinese Political Thought 27
Hebrew Political Thought 28
Ancient Theory of International Relations 30

III. The Greek City-State 34
Greek Political Institutions 34
Sense of Community: Pericles 38
Nature of Greek Political Thought 40
The Sophists 43
Socrates 45

IV. Plato 48
Life of Plato 48
Dialogues 50
First Principles of the *Republic* 50
An Aristocracy of Intelligence 52
Specialization of Classes 53
Justice 53
Life of the Guardians 55
Forms of Government 57
The *Statesman* and the *Laws* 58

CONTENTS

CHAPTER		PAGE
V.	ARISTOTLE AND THE DECLINE OF GREECE	60
	The Philosopher	60
	Character and Method of Writings	62
	Respect for Tradition	62
	The Nature and Origin of the State	63
	Classification of Governments	66
	The Basis of Authority	66
	The Epicureans and Stoics	68
	Greek Theory of International Relations	70
	Contributions of Greek Political Thought	72
VI.	ROMAN POLITICAL THOUGHT	75
	Roman Political Institutions	75
	Nature of Roman Political Thought	78
	Roman Theory of Law	80
	Polybius	83
	Cicero	84
	Roman Theory of International Relations	87
	Contributions of Roman Political Thought	89

PART III

MEDIEVAL POLITICAL THOUGHT

VII.	BEGINNINGS OF MEDIEVAL POLITICAL THOUGHT	93
	Christianity in the Roman Empire	93
	The Rise of the Papacy	94
	Political Theory in the Early Church	97
	St. Augustine	100
	Political Ideas of the Teutons	102
	Feudalism	104
	The Holy Roman Empire	106
VIII.	THE CONFLICT BETWEEN CHURCH AND STATE	109
	The Relation of Spiritual to Secular Authority	109
	The Nature of Medieval Political Thought	111
	Arguments for Ecclesiastical Supremacy	113
	Arguments for Secular Supremacy	115
	St. Bernard and John of Salisbury	118
	St. Thomas Aquinas	120
	The Fourteenth Century Controversies	123
	Dante	125
	Marsilius and William of Ockam	127
IX.	THE CLOSE OF THE MIDDLE AGES	132
	General Tendencies during the Middle Ages	132
	Wyclif and Huss	136
	The Conciliar Movement	138
	The Jurists of the Fifteenth Century	141
	Machiavelli	143
	Medieval Theory of International Relations	147

CONTENTS

PART IV

THE BEGINNINGS OF MODERN POLITICAL THOUGHT

CHAPTER		PAGE
X.	Political Theory of the Reformation	153
	Influence of the Reformation on Political Thought	153
	Luther	156
	Melanchthon	158
	Zwingli	159
	Calvin	160
	Communistic Religious Associations	162
XI.	Political Thought in the Second Half of the Sixteenth Century	165
	Heretics and Papists	165
	The Effect of European Expansion on Political Thought	167
	The Politiques	170
	Anti-Monarchic Theories of the Sixteenth Century	171
	Catholic Political Writings of the Sixteenth Century	175
XII.	Bodin and Grotius	181
	Rise of the Modern Theory of Sovereignty	181
	Bodin	184
	The Forerunners of Grotius	188
	Grotius	191
XIII.	The Puritan Revolution in England	195
	English Political Thought before the Revolution	195
	More and Bacon	198
	Political Theory of James I	199
	Political Theory of the Parliamentary Party	202
	Political Theory of the Commonwealth	204
	Harrington	207
	Filmer	209
	Puritan Ideas in America	210
XIV.	Hobbes and Locke	214
	The State of Nature and the Social Contract	214
	Hobbes	216
	Political Theory of the Restoration	221
	Locke	223
XV.	From Spinoza to Hume	228
	Continental Politics in the Seventeenth Century	228
	Political Thought in Holland	229
	Political Thought in Germany	231
	Political Thought in France	233
	The First Half of the Eighteenth Century	235
	Pufendorf's Followers in Germany	237

CONTENTS

CHAPTER		PAGE
	Vico	240
	Bolingbroke and Hume	241
XVI.	MONTESQUIEU AND ROUSSEAU	246
	Conditions in France after Louis XIV	246
	Montesquieu	248
	Rousseau	252
	Rousseau and Democratic Institutions	256
	Rousseau and German Idealism	257
	Hobbes, Locke, and Rousseau	258

PART V

MODERN LIBERAL THOUGHT

XVII.	ECONOMIC DEVELOPMENT AND POLITICAL THOUGHT	263
	The Relation of Economic to Political Thought	263
	Mercantilism	264
	The Physiocrats	267
	Adam Smith	270
	The Theory of Population	274
XVIII.	LATER EIGHTEENTH CENTURY MORALISTS AND JURISTS	277
	Conditions in the Later Part of the Eighteenth Century	277
	French Social and Moral Philosophy	279
	The Italian Jurists	282
	English Legal and Moral Philosophy	283
XIX.	POLITICAL THEORIES OF THE AMERICAN AND FRENCH REVOLUTIONS	289
	Nature of the American and French Revolutions	289
	Political Theory of the American Revolution	291
	American Documents and Constitutions	295
	Political Theory of the French Revolution	298
	French Documents and Constitutions	300
	English Response to the American and French Revolutions	302
XX.	THE ENGLISH UTILITARIANS	307
	The Basic Doctrine	307
	Some Further Comments	309
	Bentham	310
	James Mill	314
	Austin	315
	John Stuart Mill	317
XXI.	POLITICAL THEORY OF CONSTITUTIONAL DEMOCRACY	322
	Democracy and the Demand for Written Constitutions	322
	Theories of Constitutional Government in Europe	324
	Growth of Democratic Ideas in America	327
	Nineteenth Century Anti-Democratic Theories	331

CONTENTS

CHAPTER		PAGE
XXII.	RISE OF DEMOCRATIC SOCIALISM	335
	Causes of Democratic Socialism	335
	The Utopian Socialists	336
	Nineteenth Century Social Movements	340
	German Revisionism	341
XXIII.	BRITISH SOCIALISM	345
	Green	345
	Fabian Socialism	347
	The Guild Socialists	348
	The British Labor Party	349
	The Future of Liberalism	351

PART VI

THE GROWTH OF FASCISM

XXIV.	GERMAN IDEALISM	355
	Nature of Idealist Thought	355
	The Political Thought of the Idealists: Kant and Fichte	356
	Hegel	360
XXV.	FROM WAGNER TO CHAMBERLAIN	363
	Continuation of the Reaction	363
	Wagner and Carlyle	364
	The Prussian Historians	365
	Religion and Politics	367
	Nietzsche and Pareto	369
	Racism	370
XXVI.	FASCISM	373
	Nature of Fascism	373
	Idealism and Fascism	374
	Mussolini	374
	German Fascism: National Socialism	376
	The Master Race	377
	Der Führer and the Totalitarian State	380
	Anti-Intellectualism and the Artist in Politics	381
	Lebensraum	382
	The Future of Fascism	383

PART VII

THE LEGACY OF MARX

XXVII.	COMMUNISM	389
	The Life and Works of Marx and Engels	389
	From Hegel to Marx	392
	Historical Materialism	394
	The Class Struggle	395

CONTENTS

CHAPTER		PAGE
	The Theory of Surplus Value	396
	Theory of the State	397
	Revolution	397
	After Capitalism	398
	Lenin	399
	Stalin	403
	The Future of Communism	404
INDEX		407

PART I

Introductory

CHAPTER I

The Nature of Political Thought

Origin of Political Thought

All living creatures except man are largely at the mercy of their surroundings. They live under conditions which are not of their making and which are but little changed by their efforts. No conscious purpose nor definite idea of progress is possible among them. They live in a world of nature and are controlled by its conditions, being unable to conquer it or to change their own destiny by their own deliberate actions.

The relation of man to his environment is essentially different. Although in primitive times man, like the lower creatures, lived at the mercy of nature and developed in accordance with the law of natural evolution, and although man is still in many ways affected by conditions which he is powerless to change, a point was nevertheless reached in human development when man became conscious of his environment and set his reason to work to explain it and to plan modifications and improvements. Natural phenomena were investigated and understood, and conscious direction and purpose gradually replaced the purely physical relation between man and nature.

This was the case not only with the physical environment, composed of those geographic and climatic conditions and their resultant natural resources within which all life exists, but also with the social environment, composed of those ideas, associations, and institutions that make up the non-physical life of man. In the same way that man began to investigate nature, learn her laws, bring her powers under his control, and utilize her resources, so man began to question his intellectual beliefs and his social customs and institutions, to examine their nature, to question their authority, and finally to plan deliberate change and progress. All early social institutions, therefore, arose and for a long time developed unconsciously.

Only gradually did man realize their existence and the possibility of directing or improving them by his own purposeful efforts.

Of all social institutions the state has been the most universal and most powerful. Some form of organization and authority has been found wherever human life has existed, and a sanction of some kind has enforced some sort of rules. In the process of human development, it was, therefore, inevitable that man should investigate this institution, should attempt to discover its origin, should question or uphold its authority, and should dispute over the proper scope of its function. As the outcome of this process, political thought arose. Government and law, springing up naturally and growing at first without conscious direction, came later under the scrutiny of man's reason. Man became conscious of the state and made attempts, crude enough in the beginning, to explain the nature of political phenomena. Increasing powers of observation and of logical analysis built up a constantly widening sphere of political speculation, and the development of the state in its objective phase of organization and activity was, accordingly, accompanied by its subjective phase—the theory of the state —in the minds of men and in the records of tradition and literature.

Political Thought and Political Institutions

It is evident that a close relation will exist between the political thought of any given period and the actual political conditions then existing. Most political theories arose either to explain and justify the authority that men obeyed or to criticize it in the hope of accomplishing change. Sometimes, it is true, political philosophers speculated concerning the ideal state, or drew imaginative pictures of political conditions as, in their opinion, they should be. Even this type of political theory, however, will, if closely examined, prove to be based on the political ideals of its time, and will usually be aimed at certain specific evils to which the conditions then prevailing gave rise. Plato's *Republic* has little meaning unless viewed in the light of the conditions that existed during the decline of the Greek city-states. More's *Utopia* depends upon the background of social unrest during the change from agriculture to sheep raising in England. Bellamy's *Looking Backward* presupposes the modern city and modern problems of capital and labor.

Ordinarily, political theories are the direct result of objective political conditions. They reflect the thoughts and interpret the motives that underlie actual political development. At least they represent what men believe to be the nature and spirit of their institutions. They indicate the conditions and the intellectual point of view of their age. At the same time, political theories also influence political development. They are not only

the outgrowth of actual conditions, but they, in turn, lead men to modify their political institutions. Sometimes theory has preceded, sometimes it has followed, the corresponding institution or activity. Political theories are thus both cause and effect. Changing conditions create new theories; these in turn influence actual political methods. Magna Carta and the Declaration of the Rights of Man were more than mere statements of principle. They were programs of action whose effects are felt to this day.

Political theory is connected not only with the political institutions of its time but also with other categories of thought. Just as an abstract political or economic man cannot be separated from man in all his interests, so political thought cannot be divorced from science, philosophy, ethics, religion, economic theory, and literature, or even from tradition, dogma, prejudice, and superstition. The nature of political thought depends largely upon the stage of intellectual development. At one period men's intellectual interests place emphasis on one phase; at another, upon a different phase. The primary influence of religious doctrines on the political thought of the Middle Ages, and the connection between economic doctrines and political theory at the present day are at once suggested. Accordingly, the historical survey of political thought must keep in mind not only the actual development of political institutions but also the parallel progress of human thought in other fields, in order that the political principles of any given time may be understood and appreciated.

There are, therefore, two phases in the evolution of the state. One is the objective, concrete development of states as manifested in their governments, their administration of law, and their international relations; the other is the subjective development of ideas concerning the state as an abstraction. In political theory as in actual political organization, a continuous growth may be traced. Political principles, like devices of government, are handed down from age to age, each state by its experience and in the light of its conditions modifying former concepts and devices, and these in turn influencing the states that follow.

It remains to add that political thought is essentially relative in its nature and lays no claim to absolute truth. In the past it grew out of actual conditions and existing modes of thought; at present it represents problems with which we must deal. Concerning these problems political thinking is never unanimous. After the lapse of a considerable period of time, when a proper historical perspective may be secured, past problems stand out clearly, and uncritical people often judge harshly the apparent blindness of earlier generations and the inadequacy or futility of their attempted solutions. So no doubt many of our problems will appear simple to future generations and our groping remedies will seem equally blundering. But when judged in the light of prevailing conditions and pre-

vailing methods of thought, the difficulties involved are more apparent.

Intelligent men differ honestly in their opinions concerning the beneficial or injurious effects of certain phases of political life. Even when all agree concerning the nature of the problems, agreement is lacking concerning their causes or the proper methods of solution. Many such differences of opinion underlie political issues, create political parties and their contests, and form the motive forces of government. Many others are involved in the international policies of states and lead to dispute or to warfare in which both parties to the conflict are honestly convinced of the justice of their cause. There are times when the clash of political issues is mild, when men and states agree fairly well on fundamental questions, and when governmental and international relations run smoothly and effectively. At other times differences of opinion are sharp, parties assume hostile attitudes, revolution is in the air, and international relations are strained or openly hostile.

Although some of the fundamental principles of political theory have been stated and restated, hammered out and refined, and have gained in the process a quality of explanatory power that seems universal, no theory of the state can be considered as ultimate truth. It is a fundamental weakness of a certain type of reformer that he believes that his scheme of reorganization would be perfect and permanent. A century hence, under the changed conditions of that time, our present attitude toward political problems may seem as crude and absurd as many of the theories that arose in the past now seems to us. This does not, however, diminish the necessity that each age should build up for itself a philosophy of the state, based upon its development to the point then reached, upon the actual conditions then existing, and upon the ideals of the future then held.

Problems of Political Thought

If an analysis be made of the questions with which political thought has been concerned, it is found that emphasis was placed at various periods upon widely different types of problems. In the medieval period controversy centered in the contest for supremacy between spiritual and temporal authorities; in the seventeenth and eighteenth centuries the dominant interest was in the contest between monarchic and democratic theories of political organization; at present the extent of state activities has come into prominence and the connection between political and economic interests is especially close.

Political conditions have changed so greatly from age to age that the same problem has also had quite different meanings at different periods. Thus eighteenth century liberal thinkers favored individualism

because they wished to limit the activities of governments controlled by irresponsible monarchs. To-day the same type of thinker is likely to hold a moderate socialistic point of view and to favor the extension of governmental regulation and control. When political power was transferred from king to people, much of the reason for fearing it disappeared; and government came to be looked upon as a servant whose actions promoted general welfare and should be extended, rather than as a tyrant whose power should be curbed.

Moreover, few thinkers have attempted to build up a consistent and comprehensive theory of the state. Men have usually been interested in some particular phase of political existence that seemed important to their time. It is therefore difficult to make a complete and logical outline of the problems that political theory has attempted to solve. Some of the most important, and some that have appeared most frequently, may however be pointed out.

Considerable attention has been given to the origin of the state. In the uncritical past, when historical knowledge was slight, numerous attempts were made to account for the beginnings of political institutions. Among the most widely held theories were the divine theory, which considered the state to be established by the authority of God; the force theory, which found the origin of the state in the compulsory subjection of the weak to the strong; and the social-contract theory, which viewed the state as the deliberate creation of individuals by means of voluntary agreement or consent. Only recently have the expansion of historical knowledge, the rise of a critical historical attitude, and the acceptance of the principles of evolution made possible a satisfactory theory of state origin. Even yet our knowledge of the early period of political life is incomplete, and many important points are in dispute. In general, however, the modern evolutionary theory views the state neither as divinely created nor as the deliberate work of man through either conquest or agreement. It sees the state coming into existence gradually as the natural result of the needs of men for order and protection.

Closely allied with the question of origin has been the question of obligation to state authority. With the exception of isolated anarchists, most writers have agreed that some form of governmental power is necessary. They have been unable to agree, however, on the nature of this authority. This has raised the question of legitimacy which is at the heart of all political thought. In its clearest terms the question was put by Rousseau when he asked, "Man is born free and everywhere he is in chains. . . . What can render it legitimate?" [1]

[1] Jean-Jacques Rousseau, *The Social Contract*, trans. by Henry J. Tozer (1924), p. 100.

To this query, various answers have been given. Some theorists have rested man's obligation to the state on divine ordination, Burke proclaiming that God, "Having disposed and marshalled us by a divine tactic, not according to our will, but to His . . . had . . . vitally subjected us to act the part which belongs to the place assigned us." [2] Some, including Aristotle, have considered the state to be the necessary result of the innate political character of men. The Utilitarians have justified it because of its obvious usefulness, holding that obedience to the state secures the greatest happiness of the greatest number. Others, such as Locke and Rousseau, have based its authority on the consent involved in the original compact by which the body politic was created. Theorists like Treitschke have rested its authority frankly on force, thus explaining and at the same time justifying its existence. To them might makes right. And still others have found in the state the crystallization of man's "real" will. Only through living within the state's compass and under its direction is the highest form of human development possible. From this point of view the state represents the more universal and permanent aspect of the individual's own will, so that in obeying the state he is obeying his own best self.

Since the Middle Ages, political theory has also been concerned with the idea of sovereignty. The earliest political philosophers wrote of the sovereignty of the law, but the rise of national monarchies caused the state to be personified in the ruler and its essential relationship to be conceived of as that between sovereign and subject. Attacks on royal power led to the theory of popular sovereignty, attributing ultimate political power to the entire body of citizens, and associating the concept of sovereignty with the state as a legal person rather than with the ruler as an individual. The vague and non-legal nature of popular sovereignty led, during the nineteenth century, to elaborate attempts to locate sovereignty in various organs of government, on the basis of the separation of powers established by a written constitution. Endless difficulties, especially in federally organized states, were encountered in this attempt. Besides, the concept of the absolute, supreme, and indivisible sovereignty of the state met difficulties, both in the existence of organizations within the state which seemed to have a juristic life and authority of their own, and in the relations among states, where the theory of the equality and independence of sovereign states conflicted with actual inequalities and with various degrees of dependence.

Similarly, the concept of law has undergone various transformations. Originating as custom, supported by immemorial tradition and the pre-

[2] Edmund Burke, *Reflections on the Revolution in France* (1790), *Works*, Vol. III, p. 361. Reference is to Little, Brown edition (1866).

vailing belief in divine sanction, law was later considered as existing in nature, to be discovered and applied by human reason. When national monarchies were established, the will of the sovereign became a source of law. Finally, modern democracies have attained to the idea that law, as the will of the state, should be formulated and administered by popular governmental organs, and should be modified as occasion demands new rules to meet new social needs.

The form of government and the location of authority within the state have been other sources of controversy in political theory. Whether political power should be centered in a single head, or limited to an aristocratic few, or widely distributed among the democratic masses has furnished much ground for discussion.

Also, wide differences of opinion have arisen over the proper scope of state activities. At one extreme is found an individualism that would limit the state to the narrowest exercise of authority and leave to its individual citizens the widest possible sphere of free action. At the other extreme is a paternalistic socialism that would extend state action to the widest limits and submerge the individual in the political mass. Between these extremes all shades of opinion may be found. Certain activities are recognized by all as essential to state existence, but over a wide range of optional functions a great controversy is being waged. In the United States this controversy has centered in the efforts of recent administrations to control our free-enterprise system without destroying it. This has brought the charge of socialism and the assertion that more controls will result in the destruction not only of free enterprise but of all freedoms.

Finally, a considerable section of political thought has been devoted to relations among states. At first states held the belief that they owed no obligations to any except peoples of their own race and religion. Strangers were enemies and had no rights, hence the existence of principles to regulate the relations among states was not admitted. Then, after the establishment of the Roman Empire, the ideal of world unity and of supreme authority vested in emperor or pope prevented for centuries the rise of a sound theory of international relations. However, commercial activities, diplomatic intercourse, and the waging of war gradually developed their own customs and principles. General doctrines were laid down concerning the independence and equality of states, the rights of neutrals, and the methods of carrying on hostilities by land and sea. Peace under generally accepted rules rather than unregulated war came to be considered the normal relation among states. The nature of treaties, of confederations, and of international law gave rise to much political speculation; and ideals of world empire or world federation and of universal peace attracted the best thinkers of all ages.

Conservative and Critical Political Thought

Since political thought usually aims either to support or to attack existing political institutions and methods, it may be classified broadly as either conservative or critical. Theories of the conservative type arise from the attempts of men to explain and justify the political system under which they live and to maintain the *status quo*. Such theories are usually created or supported by the class in power and by those who benefit under the existing régime. They also represent the natural mental attitude of those who love law and order, and dislike confusion and change. The best example of this type of theory is the doctrine of divine right, by which the religious authority of the church was added to the political authority of the state, a supernatural sanction was given to law, and the position of the rulers made sacred and inviolable. This theory, which made resistance to the powers that be a sin as well as a crime, was mutually advantageous to the officials of the state and to the leaders of the church, and appeared frequently in the history of political thought as the support of autocratic authority and the opponent of reform.

Milder forms of conservative theory were represented in the laudation of the British Constitution during the eighteenth century in the writings of Montesquieu, Blackstone, and De Lolme, and in the general praise accorded to the American Constitution by almost all American writers during the nineteenth century. By establishing a widespread belief in the perfection of existing institutions, they made change more difficult. Similarly, political policies may be crystallized into dogmas or shibboleths and receive unthinking support because, by constant repetition, they become imbedded in the national tradition. The Monroe Doctrine is an example of a conservative theory created by this process.

Those who hold conservative theories view changing conditions with emotions ranging from regret to alarm. When their theory no longer corresponds with actual conditions, they picture a golden age in the past, believe that the world is going to ruin, and long to return to the good old days. In this form conservative theories become reactionary and usually disappear, though they often die hard in their last efforts to resist inevitable change.

Critical theories arise in opposition to the *status quo* and support efforts to change existing political institutions and methods. Such theories range from philosophical and imaginative utopias that have little apparent connection with actual life and no likelihood of practical application, to the concrete ideals of reformers who are aiming to remedy certain evils or to accomplish desired reconstruction. These latter vary from attempts to change some single device of organization or to make minor readjust-

ments in governmental activities, to wide-sweeping schemes of political reorganization or the creation of new political systems. Some of their advocates are willing to work slowly and through legal channels; others believe in immediate and revolutionary methods. Liberal theories thus shade off into various degrees of radicalism.

It is obvious that critical theories could not arise and become widespread until men had reached a considerable degree of political intelligence and were permitted freedom of thought and of discussion. Such theories are usually held by those who are not in power, who are not prosperous and happy under the existing régime, and who hope to better their condition by change. Critical theory at its best is always constructive, since it includes not only a generalization of facts but also a valuation of tendencies. In destroying outworn and obsolete ideas, critical political thought implies an ideal of what ought to replace them. Such doctrines are dangerous to the powers that be, and during the greater part of human history have been forbidden and suppressed. Only occasionally, as in the Greek cities or in modern democracies, has it been possible to build up, without serious opposition, a critical political philosophy or to accomplish by legal methods the reform desired.

An important example of critical political thought was the doctrine of social contract and natural rights as set forth by Locke and Rousseau. This theory served as the basis for the English Revolution of the seventeenth century and the French and American Revolutions of the eighteenth century. It attacked the divine right of kings and justified revolution and popular sovereignty. Modern socialistic doctrines furnish other examples of critical theory.

It is interesting to observe that when a critical theory is generally accepted and becomes successful in practice, it tends to become a conservative theory, making certain concessions to practical necessity but endeavoring to maintain what it has accomplished and to prevent further change. Thus the doctrine of natural rights, with its emphasis on individualism and on the safeguarding of personal and property rights, was a critical theory in the eighteenth century, attacking the autocratic and paternalistic governments of that day. At present the theory is used as a conservative support for the vested interests in an effort to prevent the extension of state regulation and control that the socialists demand. This thesis is further substantiated by recent developments in Russia. Communist theory, having been adjusted to meet existing conditions by Lenin and Stalin, has now taken on a marked rigidity which will tend to maintain the prevailing order and to oppose further change.

Both conservative and critical theories have points of strength and weakness. Conservative theories, valuable in maintaining public peace

to promote this object: the state is then endowed with a religious purpose. If possession of much wealth is considered by man to be the chief aim of his life, in order that he may fulfil some individual ambition, then the protection of that wealth and security of person and property is the object of the society in which such a man lives. Again the conception of the state is seen to vary with the conception of man, his needs and ambitions.

A discussion on the possible ends of the state leads easily to an inquiry into the nature of the state. The state by some ages has been conceived as a conventional mechanism, created by man or by God to achieve a purpose which is considered to be contrary to the natural order of things. Man is shown to be in some particulars at war with nature, and so the society in which he lives and moves is held to be at war with nature too. Some thinkers in direct contradiction to this view have held that the state is not an artificial product, but a natural growth resulting from a living impulse which resides in the social activities of man. The state is then conceived as essentially organic and dynamic in character.

Immediately the purpose and nature of the state is under discussion the authority which the state may claim to exercise over its members becomes a relevant and important question. Involved in this are the complementary problems of the nature of sovereignty or absolute power which may be said to reside in any state and the entire inquiry concerned with the nature of political obligation. Why and how far should a man obey the dictates of the society in which he lives? Is it a moral or conventional duty to be obedient? Such questions probe to the root of political philosophy.

Underlying political obligation is the subject of law. When a man queries his duty to obey, he automatically is criticizing the law he is called upon to obey. He inquires into the nature of law; whether it is fundamental and unchangeable by any endeavour of man; whether it is conventionally established by man and so fallible and mutable. The nature of authority, the nature of political obligation, and the nature of law are interdependent questions.

Political thinkers are not occupied with fundamental problems of philosophy to the exclusion of all interest in practical politics. Some thinkers are concerned only with the practice of government. They

discuss details of government relevant in many cases only to the peculiar circumstances of their own era and environment. Nevertheless in these analyses of actual states, the political thinkers of any importance establish certain maxims and rules of conducting politics which are of value to other ages besides their own. They discuss at length the forms of government which are established and seek to find which of these may be considered the best. They criticize the relationship of the executive to the legislative bodies in the state. They inquire whether and how far political representation is of value to the state. They seek to know the exact functions of each of the component parts of the state: the central authority, the local bodies, if any, the administration as a whole. They endeavour to estimate the exact status of the citizen of a given state. These and kindred problems of a more detailed character are the concern of practical political thinkers. They may be taken as the main interest of men who deal with political science rather than political philosophy.

From the above analysis political philosophy used as a general term to cover both philosophic and scientific inquiries about the state will be seen to embrace a number of subjects, sometimes related to each other, sometimes wholly isolated. No one thinker is ever equally interested in all these subjects. Environment and individual taste will determine the aspect of political philosophy which the speculator will make his special concern. But the student of the evolution of political philosophy must be aware of the entire range of subjects if he is to have any basis from which to criticize. He must be able to distinguish between an essential and a trivial problem. To do this he must have a conception of the nature of political philosophy as a whole and of the type of subjects with which it is concerned.

Not only does one thinker concern himself with certain aspects of his subject to the exclusion of all others, but a whole age will be found vitally and exclusively interested in one aspect of political and social problems, and totally indifferent to other aspects. Sometimes the nature of man, as in the renaissance period; sometimes theology, as in the Middle Ages; or the nature of the state as amongst the Greeks of Plato's time will be the supreme preoccupation of the moment. The significance of a thinker must be considered in relation to his

times. Other factors play their part too: his innate ability; his comprehension of the problem which is his main concern; his grasp of its relation to contemporary facts; and finally his contribution to the general trend of thought as a whole.

An intimate knowledge of the environment of the thinkers is of inestimable importance in the endeavour to understand and evaluate the theories enunciated. It determines the subject to be discussed and its scope. Environment is here used in a very wide sense. It includes the actual condition of the political institutions which set the problems urgently to be considered. It covers the intellectual and social background of the period isolated for consideration. The way a man has lived; the way in which his contemporaries lived; the practical issues at stake which stimulated his interests and formed the core of his thought; the opportunity he has had to observe these conditions; these are the concern of the student as much as the actual theories conceived. The value of the theories are relative to the circumstances they intend to analyse and comprehend. If those circumstances comprise factors that are of universal interest, then the theories propounded will be of value to many ages besides the one in which they were actually enunciated. If not, though the theory will be of significance in the development of political thought as a whole, it will only be so as a link in the chain which binds together more essential parts.

The plan of this book is based on the lines indicated above. Each age has been analysed to see which were the aspects of politics that were its most vital concern. Thinkers have been cited who have dealt adequately or significantly with these problems. Details are naturally prohibited by the size of the subject in comparison to the size of the book. But the object of the book is to show not the details of theories, but the history of the change and growth of political thought. Sometimes one idea in vogue in one age disappears for centuries, until a change in circumstances brings back the idea as relevant. Sometimes old theories fall by the way, never as yet to be revived. The history of political thought is the history of the changing emphasis of man's interests in his political relations, rather than the evolution of a set form of theories from a simpler to a more complex state.

CHAPTER II

THE GREEK IDEAL: MAN AS A POLITICAL ANIMAL

THE city-state was the highest form of social and political life known to the Greeks. Its most striking features to the modern eye are its smallness and its isolation. These were due partly to geographical, partly to other causes.

Geographically, Greece as a land of mountains tends to develop isolated communities. But the unification of Greece into a kingdom in the nineteenth century shows that given other factors, geographical conditions do not prove an insurmountable barrier to the growth of a nation. What then were the other factors at work in early times which maintained the divisions already imposed by the physical contour of the land?

No common religion formed a bond of union in pagan Greece. The essential characteristic of Greek religion was its localization. Originating in an effort to reduce to tangible form the mysteries of the universe, Greek religion tended to personify and deify local characteristics; the disappearance of a river in one spot would suggest a type of god very different from the one inhabiting a locality where springs abounded. So each feature of the land gave rise to its different god: local climatic differences were made greater by deification. In this way each locality was strongly individual, and the community living therein felt itself cut off from its neighbours not only by tribal customs and difference of occupation, but more forcibly by an allegiance to its peculiar gods. Each city-state had its patron god or goddess accompanied by a host of lesser deities. Even the recognition of Zeus as father of all gods, and of the Delphian oracle as the central mouthpiece of the gods for all Greece, were not sufficiently strong beliefs to override the potency of the local deities under whose auspices each community lived; under whose caprices each community suffered. The religious outlook of the Greeks was not universal: it was individual, concentric.

The effect of these beliefs on political life was an accentuation of

the isolation already imposed by geographical conditions. It went further. In some plains where no geographical barriers would have interrupted an alliance or amalgamation of several cities, the cities yet preferred to remain independent. In some districts as many as four city-states existed within an area eight miles long by twelve miles broad, and still each retained its own form of government and refused any form of alliance with its neighbour. When the Greek religion became more universal just before the fall of the city-states, leagues sprang up between the cities, but by that time it was too late. Disruption had set in too long for a delayed treatment to prove effective.

Nor did the Greek economy of life offer any means to draw together the states in a common interest. The Greeks existed by a slave economy. In Sparta more than half the population were unfree citizens; in Athens, the most cultured and intellectual of the city-states, the proportion of free citizens to slaves was even less. The effect on social life was to depreciate the value of all manual labour and all work connected with trade and commerce. The merchant and his activities were scorned in Athens. A political career or a leisured life were considered the highest ambition of a citizen. Though trade might be the cause of friction between states, as between Athens and Thebes, yet trade and the common interests arising therefrom would not have been considered a sufficiently binding force to justify a permanent union between two states. Trading interests already stigmatized by their association with labour, which was slave's work, were not as today ranked high amongst the forces potent in the determination of political alliances and hostilities.

Nor did a national consciousness exist to cement together the body politic. The Greeks it is true, felt themselves superior to all barbarians; only men of Hellenic blood could take part in the great four-yearly races in the plains of Olympia. But the sense of difference between Greeks and barbarians did not draw the Greeks closer together. Plato, aware of the novelty of his suggestion, asserted somewhat aggressively, 'I affirm that all the members of the Greek race are brethren and kinsmen to one another, but aliens and foreigners to the barbarian world', and he urged that the term sedition

used commonly to describe treachery to one's own city, might be extended to cover that type of hostility which existed when a conflict arose between independent city-states. But his suggestions were considered unusual by his contemporaries. The course of the Persian war was ample evidence of the difficulty which the city-states encountered in attempting to sink their local antagonisms in the face of a common enemy. The jealousies aroused during this war of the sixth and fifth centuries were the main cause of the civil wars between the states in the fourth century.

Many of the factors which contribute to the formation of a state today were either dismissed as irrelevant, or not recognized at all by the Greeks. Religion was local and in its popular form non-ethical; economic interests were despised; a consciousness of nationality was not yet born. Yet something remained.

Not the relation of the state to the church; nor to industry; nor to international problems; but the nature of the state itself was the topic which absorbed the energies of Greek thinkers. Man to them seemed of interest, not as an isolated unit, but essentially as part of the society in which he was born, reared and given opportunities to attain to the best life. Men realized themselves in and through the state; man was a political animal. This was the theme of the Greeks; this their discovery and their contribution to political thought.

Speculation on the nature of the state and man as a political animal gave rise in the fourth century to questions which are as vital today as then. It has further interest. The Greeks began their inquiry into political philosophy with no previous speculations to aid them. Terminology itself had to be created. The whole subject was approached in the scientific spirit with which the Greeks were investigating other spheres of knowledge. They realized that before particular states could be discussed some general laws which applied to political life as a whole must be postulated. They must discover the essential characteristics of the state. Their work was thus a revelation of what are now recognized as truisms; and in this very definition of truisms, it was a contribution to knowledge. It was a creation simultaneously of a science and a philosophy of the state.

This emphasis on the essence of the state makes the speculations

of Greek thinkers of universal interest. It enlists the sympathy of the twentieth century as much as it did that of the fourth. The Greeks discussed the purpose of social life, the nature and powers of the state, its relation to its citizens. They gave names to the different types of states. Democracy, oligarchy, tyranny, aristocracy and monarchy are Greek words, without which modern thought on the state would flounder in a quagmire of indefiniteness. The Greeks characterized some states as bad, some as good, throwing out suggestions by which some criterion of judgment on this difficult problem might be attained. They analysed political life until they found they could suggest some fundamental laws governing its behaviour. They discovered that forms of government are subject to a cyclical law; beginning with monarchy they flow by natural sequence through the changes of aristocracy, oligarchy, democracy to tyranny. Subsequent investigation has modified this concept; but the basic truth that political institutions are subject to change is so vital to an understanding of political life that epochs where it has been ignored have found themselves faced with the danger of revolution. England in the seventeenth century, France in the eighteenth, were both firm adherents of the doctrine that society was static not dynamic. Only through violence could the state be changed; revolution was inevitable. The Greeks wondered how far the liberty of the individual citizen was curtailed by his life within the state; they entered at length into the problem of the relation of education to the state. They speculated tentatively on the subject of political obligation; they strove to find in natural law the reason why some were rulers, others condemned to be ruled. They were profoundly disturbed by the lack of stability in forms of government and examined at length different types of constitution to remedy this defect. Forms of government; education; freedom and slavery; arbitrary control and good rule; the ultimate purpose of the state; and, through a conviction that only in the state could man fully realize himself, an emphasis on the profound importance of political life in the development of the individual: these were the aspects of political life which interested the Greeks.

From the fifth to the fourth centuries B.C. the Greek city-states were subjected to external and internal friction which revealed to

them their inherent weaknesses. The Persian war showed clearly the great divergence which existed between the city-states. For a hundred years Greece strove to unite against attacks from the east, and found herself every time defeated by some bitter rivalry between her own members. The war dragged out owing to these internal conflicts; Greece was only saved from destruction by the sudden rise to power of Athens and Sparta. The momentary pre-eminence of these two cities averted the Persian danger, and finally destroyed it. But no sooner were the Persians defeated than civil war, long pending, broke out between the rival states.

The main obstacle to alliance during the Persian war had been the difference in ideals which activated each state. It was impossible for Sparta with her firm belief in the rule of oligarchy, to ally easily with Athens which was becoming every year more rigidly democratic. What was so apparent of the two outstanding cities was true of all the smaller ones. Greece was a mass of conflicting political ideals. The individualistic outlook of the city-states which became so evident during the Persian wars, was carried to a further degree during the century of civil wars. Not only did each city seek its own end with assertive independence regardless of the well-being of any other city, but within each *polis* itself, each faction regarded its own success as more important than the welfare of the city as a whole. Sedition, treachery and spite became the normal characteristics of the internal political life of each city-state in the years preceding and contemporaneous with the lives of Plato and Aristotle. These two men looking about them in their youth would see nothing but intestinal warfare, and violent rapid changes in the constitutions of states when the ultimate authority in the state shifted now to this family, now to that, now to one faction, now to another. There was one dominating peculiarity in these civil wars. City-state seldom allied with city-state; rather the democratic faction in one city would find support in the democratic faction in another; and similarly the oligarchic faction sought and found its allies. As Thucydides wrote at the time of the conflict, 'the whole Hellenic world was in commotion; in every city the chiefs of the democracy and the oligarchy were struggling, the one to bring in the Athenians, the other the Lacedemonians'. Every city was rent asunder; the main line of demarca-

tion was wealth. Everywhere in Greece rich and poor strove against each other. Everywhere political instability was the order of the day. No wonder then that Plato and Aristotle sought to find, if any, the rules which governed the life of the state; to disentangle if possible the ultimate end of all these warring factions; to discover should it be there, the quality which was necessary in political life to stem the forces of disruption which were creating such havoc about them, threatening the very foundation of their civilization.

The reconciliation of the differing ideals of the state and the removal of political instability were the two main problems on which Greek thinkers concentrated. Practical difficulties were great. Not only were the city-states isolated geographically, religiously and economically from each other; but within the states themselves the customary methods of government made it an almost impossible task to find a common bond either between states or between the factions within the states. There was no conception amongst the Greeks of representation. Government was carried on entirely by the actual services of each citizen who had to register his vote personally on any matter of importance; or had himself to take such office as was drawn to him by lot. His share in the government could not as today be dismissed by the election of a representative or delegate. Each citizen had to give his opinion himself on any matter of importance. The size of a city-state was strictly kept in check both in numbers and area. It had not to be so great that all its citizens could not easily meet within its centre for casting their votes; or to be so numerous that discussion would become hopelessly unwieldy. The idea of incorporating one city-state with another was thus at the very outset, inconceivable. Leagues between the states were the only possible bond of union. Moreover the emphasis on the personal co-operation of every citizen and its resulting large gatherings of citizens, laid open the way to the development of demagogues who by their oratorical eloquence could sway the mob of citizens in any direction they chose. In short, the practical constitution of the city-states increased the difficulties already in the way of solving the problem of political unrest. At the end of the fifth century it was becoming urgent that the situation should be analysed. Some cure must be sought for the disease which was evidently sapping the very

foundations of society, threatening ominously the overthrow of the entire civilization.

Two men are outstanding for their contributions to this sphere of knowledge: Plato and Aristotle. Trained in the same school of thought, yet men of different temperament, they approached the problems of their day with entirely different methods of attack. Plato of an austere temperament suggestive of the approaching Stoicism, entered more profoundly into the philosophy of the state than Aristotle. The latter concentrated rather on an analysis of the states around him than on the construction of ideal politics. Plato was essentially an idealist, Aristotle a realist.

Plato's contribution to political philosophy can hardly be dissociated from the rest of his philosophic works; yet the student of political philosophy must curtail his curiosity and concentrate his attention on those works of Plato which deal essentially with politics. These are two: The *Republic* and The *Laws*. The *Republic* is a more complete work on politics in so far as it is a representation of an ideal state, whilst the *Laws* deals with more scattered aspects of politics, and is in many ways a practical modification of the theories propounded in the *Republic*.

The sub-title of the *Republic* gives the key to its main objective: 'Concerning Justice.' Plato sought to discover whether justice actually existed or could exist in a state, and what function it performed therein. Repeatedly he showed fear of the self-interest which dominated and ruined the political life of his contemporaries. The first part of the *Republic* is taken up with a refutation of current notions: that the interest of the stronger is the highest justice to be looked for in the state; that justice is merely the result of legal contract; that justice is really an unprofitable virtue practised by no one but the few, and that these for some strange reason were possessed with the divine madness of delighting in integrity. Plato saw in justice as defined by himself a possible solution to the unrest which was ruining his native city. In seeking to define this idea, he was led to propound the ideal state, thus illustrating exactly how justice would operate and check the growth of self-interest and political instability.

The basic assumption in Plato's political philosophy was his

concept of human nature. 'No two persons', he declared, 'are born exactly alike, but each differs from each in endowments, one being suited for one occupation, and another for another.' Highly specialized from birth, man was only happy when following his innate bent. Specialization was to Plato a necessity imposed by man's nature, not a desirable quality cultivated for purposes of economy as is held today. Economy certainly followed specialization, but Plato did not attribute this to the formation of habit which reduced effort, but to the fact that a man born with certain characteristics could only function in the way dictated by those characteristics. Any other occupation would be performed by him in an inferior manner.

As every man could only do one type of work adequately, men had to congregate together to supply for each other what each lacked. 'The formation of a city is due . . . to this fact, that we are not individually independent, but have many wants . . . and because each seeks the aid of others to supply his various requirements, we gather many associates and helpers into one dwelling-place, and give to this joint dwelling the name of city.' Yet if men only satisfied their bare necessities, their life would be so full of dull contentment that it would seem merely a community of swine. To pass one's life in tranquillity and sound health, to live to an advanced age and leave one's children well provided for, seemed to the cultured Greek the epitome of stagnation. There must then be in the city some further object than the fulfilling of bare necessities. Life must also be supplied with luxuries. The city would then develop its artistic and luxurious tastes and a population to supply these wants. With the growth of population, the need for more territory would be felt, and war would ensue. A military class would be required to protect the city from aggression and enable it to be itself an aggressor. The city would now have acquired two classes of men: those concerned with the supply of the ordinary necessities of life, and those specially devoted to the art of war. These two classes were completely separated by their differing functions. There were no means as yet described which would ensure the performance of the respective duties of the classes. There was nothing to prevent either class from encroaching upon and oppressing the other. The need for men specially devoted to this task of regulation and supervision was felt.

Plato then created his Guardian class, whose chief function was to care for the welfare of the city as a whole. With the creation of the Guardian class, the ideal republic was completed. Three classes existed in it, divided not by qualifications of wealth and birth, but by the differences due to innate capacities. Every man was naturally fitted to a particular task; every man must perform that task or be at war with his own nature. The natural specialization of individual capacities, not economic inequalities, was the basis and justification of the sharp divisions in the *Republic*.

To Plato the powers and education of the Guardians as the only possible rulers of the state, were of the utmost importance. The major part of the *Republic* was devoted to this subject.

It was comparatively easy to describe the origin and growth of an ideal city and to account for the presence of its rulers as a natural sequence of events. It was not so easy to show why the rest of the community should acquiesce in the rule of the Guardians; nor to show how this class should so govern as to eradicate any possibility of instability in political life. To insure the acceptance of the Guardians as rulers was a difficulty which defeated Plato. He passionately desired that a strong sense of political obligation should be developed. 'Do we know then,' he asked eagerly, 'of any greater evil to the state, than that which should tear it asunder, and make it into a multitude of states instead of one? Or of any higher perfection than that which should bind it together and make it one.' He set himself to find this perfection. He pointed out the necessity of wise rulers as a justification of their existence; he argued that as each man was so highly specialized, it followed that there must be a man or men who were born specialists in government, who must use their talents for the good of the community. But even then he felt he had not persuaded his hearers to accept the Guardians as the only rulers: this was the initial step before their perfect rule might bear full sway. The task of recognizing those who were born rulers and those who were not still remained. To answer this Plato took refuge in an ingenious device. He suggested that in the ideal state the recognition of the division between rulers and ruled could only come into being by instilling into the populace a fable that men had been asleep and awakened to find themselves thus conveniently classified. Plato

evaded the whole problem of political obligation and left it in obscurity.

Once the Guardians were regarded as established rulers, the life of the state flowed on uninterruptedly. They were endowed at birth with the special faculties necessary to a governor: 'the man whose natural gifts promise to make him a perfect guardian of the state will be philosophical, high-spirited, swift-footed and strong'. The ideal state must be ruled by a man in whom 'political power and philosophy be united in the same person'. The philosopher was a necessity in a state where the innate ability of every member must be perceived at birth by the ruler; where perception of true character was an inalienable quality of the ruler-mind. He who had true knowledge would be alone adapted to the performance of this supreme task. The philosophic temperament was the most suitable to the task of governing.

The chief duty of the Guardians was to allot to each man his special task and to see that he performed it. Only in this way could a state composed of specialists hope to survive. At the birth of children the Guardians were to see whether the child possessed qualities which would place it in the governing, the artisan, or the military class. They placed it in its niche where it must remain for the rest of its life. As its real happiness lay in doing only one type of work, it would have no inclination to remove itself from the groove in which it was set. This apportioning of special tasks Plato described as 'giving to every man his due'. This was the essence of justice. Justice was thus obtained in the ideal state through the agency of the Guardians who were omniscient. They knew each man's particular bent.

Justice rested essentially on this assumption of specialization. If men were not specialized, it would be impossible to perceive what was their due. Justice was an intrinsic quality of the state, not an end to be pursued nor a criterion of judgment; it was a regulation of the activities of men living the social life, a supervision and direction of those activities into their proper and peculiar channels. Such a conception of justice eradicated at once all friction between individuals and classes. Each pursued his own end regardless of others; each end excluded every other. There could not be a conflict

between specialists who specialized on different subjects. Their interests never clashed.

The second duty of the Guardians was to supervise the education of the children destined to be future Guardians. Believing firmly in the impressionable nature of children, Plato was anxious to eradicate all harmful influence from their environment. To do so involved the strictest censorship. All poetry, all art, all literature and drama, even the subjects for tapestry working were to be purged of all non-ethical qualities. The tales of the gods were to be expurgated until only the didactic story of their dull morality remained. Music, which Plato regarded as the greatest educational factor, was to be even more severely censored. The young were only to hear martial and uplifting strains. Thus might the young men 'dwelling as it were in a healthful region . . . drink in good from every quarter, whence any emanation from noble works may strike upon their eye or ear, like a gale wafting health from salubrious lands, and win them imperceptibly from their earliest childhood into resemblance, love and harmony with the true beauty of reason'.

To ensure this eradication of all evil from the young involved a considerable degree of authority being placed in the hands of the Guardians. The censorship of poetry, art and music was much more far reaching in its effect in Greek civilization than today. To purge the ancient lays of the gods of all immoral episodes was in fact nothing less than to control all religious beliefs. Plato recognized this. His Guardians were to control theology and were to draw up certain articles of belief for their community. Plato suggested that this authority within the state was unlimited. But he did not proceed far enough into the problem of political authority to give a definite impression of his views on this subject. With power to legislate the Guardians controlled education, theology, art and culture; they even dictated to each individual his life-work. But they were not to concern themselves with such trivial matters as trade and industry. Plato specifically stated that all economic problems were either beneath the dignity of the legislator or so easy of solution that they did not require legislation. 'It is not worth while,' he said, 'to give directions on these points to good and cultivated men: for in most cases they will have little difficulty in discovering all the legislation

required.' These then were the powers and duties of the Guardians. Subject themselves to the law of specialization, they alone must bear the burden of government upon their shoulders.

What type of man would be properly fitted for this task upon whose performance the life of the whole community depended? The life of the Guardians was the topic in which Plato was supremely interested. Much of the book is taken up with this. Much that is valuable in Plato's writings on the state is recorded in this digression.

The task of ruling was no easy one. Men had to have a severe training for it. It did not matter to Plato whether one man or several men ruled; so long as the wise ruled. The Guardians were to be trained rather on the model of the Spartans. They were to be set in a camp apart where they were to eat at common messes; to possess no private property; to be trained in physical exercises to stand great strain; above all to be deprived of all family life. Plato saw in private property and family affection the root of all hatred and ambition; the overthrow of all civic and altruistic motives of conduct. When men have private property, he declared, 'they will spend their whole lives, hating and being hated, plotting and plotted against, standing in more frequent and intense alarm of their enemies at home than of their enemies abroad; by which time they and the rest of the city will be running on the very brink of ruin'.

In family life Plato saw the nucleus of private ambition, and to eradicate this from the state he postulated a community of wives and children which amazed not only his contemporaries but subsequent generations. Women, he thought, were as specialized as men intellectually, though they were altogether on a lower level of intelligence. They too must join in the task of government. Like men they must be trained to perform this duty. They must have severe gymnastic exercises and mix freely with men. They must have no home ties but live a communal life. When their children were born, they were immediately to be taken from them and reared by special nurses appointed by the state, until they were of age to pass into the hands of the Guardians.

Such was Plato's ideal city, based on justice, and giving 'to each his due'. It was fitted 'rather for gods or the children of gods than for men'. Plato gave many details as to the methods of carrying out

these ideas, but they were not convincing to contemporaries. The objections raised in the Socratic discourses of the *Republic* were taken by Plato's disciple, Aristotle, and formed the starting point of his speculations on the state.

Aristotle's political theories were embodied in two complementary works: the *Ethics* and the *Politics*. The *Ethics* dealt more specifically with the moral nature of man; the *Politics* with the expression of that nature in social life. A study of both is necessary to a full grasp of his political ideas, though the interest of the student of politics naturally centres more in the second book.

Aristotle described the *Politics* as a treatise on government. He approached his subject from a quite different angle from Plato. He determined to examine existing constitutions of states and to deduce therefrom the laws which governed their behaviour. The first part of his work was taken up with a criticism not only of actual constitutions but of proposed models for states. In this group he attacked the ideal state suggested by Plato.

He pointed out that Plato having divided his republic into three parts, had neglected entirely the life of the majority of the citizens and concentrated only on the life of the Guardian class. How then could he ever hope for stability if he left vague the rules which should govern the adjustments between the three different classes? Nor did he agree with Plato's community of wives, children and property; for to Aristotle the basis of the state was the family, and private property was necessary to it. Destroy the family and private property and the chief motives for human industry were, in Aristotle's eyes, removed. Aristotle objected still more profoundly to Plato's statement that the Guardians would work for the state from motives of the highest altruism. Such work might incidentally deprive them of all personal happiness. To Aristotle if part of the state was deprived of happiness, then the whole state could not attain to happiness, for the whole consisted of the parts and partook of the nature of those parts.

These three objections to the *Republic* indicate the fundamental difference between the two thinkers. Aristotle's conceptions of human nature and the origin and purpose of social life were essentially though not entirely different from his master's.

Human nature to Aristotle was instinct with variety. Man was no

specialized animal, but 'it is the nature of our desires to be boundless'. These desires largely govern men and when uncontrolled lead to vice. As the desires are boundless, so is the attendant corruption: 'For the wickedness of mankind is insatiable.' Man, an impulsive creature, is led rather by his affections than by a force which drives him into a groove. Family life and friendship form the chief bonds of social intercourse. He saw in friendship the main check to the treachery he so much feared: 'Friendship,' he stated, 'is the greatest good which can happen to any city, as nothing so much prevents seditions.'

The family was the origin of political life. But Aristotle took pains to show that there was a fundamental difference between the association of the family and that of the state. The family was joined together by the natural tie of blood and existed to provide the necessities to bring the young members to maturity. There its function ceased. The greater association of the state existed because another factor came into play. Man, Aristotle declared, 'is naturally a political animal . . . he will of his own accord desire to live with others'. All men felt this urge to social life; because no man could achieve the best life in solitude. 'He that is incapable of society,' Aristotle declared scathingly, 'or so complete in himself as not to want it, makes no part of a city, as a beast or a god.' In short, men lived in society because they were naturally sociable; because they required the necessities of life which only their fellows could supply to them when they were immature or attacked; above all because they sought not only to live, but to live well.

Human nature operated of its own accord to draw men together to form themselves into states. But the actual fact of slavery forced Aristotle to indicate that assertions on man must be considered applicable only to one class of men, the Greeks. The problem of slavery was directly linked in his mind with the two cognate problems of property and government. The slave was a man in subjection; the citizens of the state were in subjection to their rulers. What then justified this subjection? Repeatedly Aristotle strove to find an appropriate answer to this question; repeatedly he was defeated in his attempt. Men, he declared, were by nature roughly divided into two groups, in whose souls nature 'has implanted the governing and submitting principle'. The man who then is born to submit 'is a

slave by nature' and such men are justly kept subordinate. But even so Aristotle could not help feeling uneasy in his mind over this conclusion. How could he account for the fact that some men of noble character who had ruled over others, through the accident of war, came to be made slaves by their enemies? This was obviously an act contrary to nature and not justifiable. It existed and provided much room for doubt in Aristotle's mind. He was bound to admit that some slavery was legal and conventional; whilst he clung tenaciously to the general assertion that wholesale slavery was the result of a natural difference in men. 'He then,' he concluded rather lamely, 'is by nature formed a slave who is qualified to become the chattel of another person, and on that account is so, and who has just reason enough to know that there is such a faculty, without being endued with the use of it . . . Since then some men are slaves by nature, and others are freemen, it is clear that where slavery is advantageous to anyone, then it is just to make him a slave.'

Turning to a discussion on the nature of property in general, Aristotle declared that there was one type of property which was held by natural right; another type which was conventionally created. The first was the gift of nature to man, granted for his sustenance, and included all things gained in war. The second was all property obtained by trade or other inventions of man. 'One of these is natural, the other is not, but rather owing to some art and skill.' Aristotle then condemned arbitrarily the system of usury. This seemed to him a most unnatural method of acquiring wealth. The essential purpose of riches was to support the life of the family or the state. Those who saw in money-making a means merely of increasing their own possessions at the expense of their fellow men were justly censurable. Retail trade was one means by which this was done, 'for it has not its origin in nature, but by it men gain from each other'. The supreme example of this evil was usury, 'for usury is most reasonably detested, as it is increasing our fortune by money itself, and not employing it for the purpose it was originally intended, namely exchange'. Thus did Aristotle sweepingly reject usury in maxims which at their rediscovery in the thirteenth century dominated medieval economic life.

Aristotle approved of private property as essential to the state.

Property, especially slaves, was necessary for the maintenance of a family. It was an inherent part of the family unit. Destroy private property and the family dispersed into separate individuals. But the family was the essential unit of the state; so private property became indirectly necessary to the state. Aristotle saw in its possession the motive of many virtues, such as generosity and industry. No man would work so hard or so carefully for property which was not his own. Yet though property was better held by private owners, Aristotle preferred that the distribution of goods should be made to the whole community. In this way individual industry would be stimulated by the motive of pride in private possessions, and the community would be benefited when these increasing sources of wealth were generously given to it. Aristotle did not enter into a discussion on how this happy solution between private greed and public welfare should be attained. He merely left this to the discretion of the legislator to be dealt with according to the expediency of the time.

Having disposed of property and slavery to his own satisfaction, Aristotle proceeded to discuss the nature of government and the state more fully. Political obligation was based on natural law; the state was the result of natural inclination to sociability in man; similarly the state itself was a natural organism. What constituted this organism? Aristotle replied: its individual parts, its citizens. He then defined a citizen. 'There is nothing that more characterizes a complete citizen than having a share in the judicial and executive part of the government.' 'And a city . . . is a collective body of such persons sufficient in themselves to all the purposes of life.' All those therefore who did not take an active part in government did not belong to the state; of these slaves were the most numerous; artisans also ought not to be permitted to become citizens, except in rare circumstances.

Aristotle proceeded to inquire into the nature and the form of government of a city. The nature of a city was determined by its end. All things were determined by their end as only in their end could their perfect form be perceived. Cities were bad or good according to the end they set themselves. If they sought the welfare of the whole, they were good; if the welfare of only a part, they were bad.

Then arose a difficulty. If the quality of a state could be judged by the end it set itself, by what criterion were its citizens to be judged? What indeed constituted a good citizen? To this Aristotle replied that a good citizen was he who was truly in harmony with the object activating the whole community. The good citizen was not identified with the good man; if the object of the state was bad, then the citizen who fulfilled that object was a bad man but a good citizen. But in the good state, the virtue of the good man and the virtue of the good citizen coincided; and conflict was removed.

But the conflict between the good man and the good citizen did not vitally concern Aristotle in the *Politics*. He discussed this fully in the *Ethics* and concentrated in the *Politics* rather on analysing the constitution of actual states in order to discover the cause of their decay, and the possibilities of cure. He proceeded to divide types of constitutions under the two headings good and bad. The good states were monarchy, aristocracy and a polity consisting of a mixed government; the bad tyranny, oligarchy and democracy. Aristotle examined these different forms of government at great length and came to some interesting conclusions about the essential nature of a state.

The form of government was determined, he saw, by the place where political authority resided. Governments were classified accordingly. If all the power was in the hands of one man, then the state took the shape of a monarchy if good, a tyranny if bad. When it resided in the hands of the few, it was either an aristocracy or an oligarchy; in the hands of the many, it was either a true polity or a hateful democracy.

The functions of government were not, as in Plato's *Republic*, confined to education and justice, but were multifarious. The government was established that the citizens might live and live well. Therefore the government must concern itself with political economy; protection of property was also its duty. But its duties did not cease there. Aristotle was careful to show that security of property would never be a sufficient motive for keeping men together in the best commonwealth. Such protection he asserted would result in a destruction of equality amongst the citizens and so vitiate their political life. For, he argued, if property was the main concern

of the state, then civic rights must depend on the amount of property each had. He who was rich was thus more of a citizen than he who was poor. Inequality would be the inevitable result; and the best commonwealth, which consisted of government by equals of equals, would cease to exist. Security of property as the chief end of the state was deprecated by Aristotle. The state sought essentially for the best life of its citizens. Nor was education a sufficient means to this end: 'Whosoever,' he declared, 'shall introduce any education, and think thereby to make his city excellent and respectable, will be absurd, while he expects to form it by such regulations, and not by manners, philosophy, and laws.' Turning away from Plato's repressive negations, he believed rather in the presentation of positive good in order to bring his citizens to the best life. But it must not be imagined that Aristotle denied moral control to the state. Its function to attain the best life for its citizens gave it immediately powers to suppress the worst sides, and encourage the best. Aristotle's state was essentially moral as would be expected from his introductory study of ethics as the natural precedent to politics.

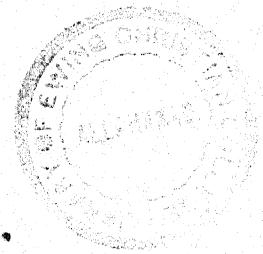
The rest of the book was taken up with an acute analysis of the best form of government. Intensely aware that the chief cause of friction in the city-states was due to the presence of factions, Aristotle suggested that a mixed form of government where political authority was distributed through the different sections of the state would be the best form of government to check unrest and revolution. This was his ideal polity. It partook of the nature of both aristocracy and democracy, if the latter were held to mean government by the many rather than government by the poor. The executive should in this case be in the hands of an aristocracy of ability who should not be open to censure from an ignorant populace. On the other hand the majority of citizens were capable of supervising jurisdiction; such should be their share in the government. Aristotle did not entertain the idea that legislation should be a function of government easily exercised. He saw constant change of laws only as destructive eventually of the habit of obedience; for he maintained that the nature of law was mainly customary. He would prefer then that the laws of a state should remain more or less unaltered and should preferably be written. Written laws were a guarantee against the instability of

men who were easily swayed by passion. Better then to keep the power of legislation out of the hands of men and restrain it under the rigidity of a written body of law. The magistrates might, however, have the power to interpret the law; thus flexibility would be introduced into an otherwise too rigid system. Nor was Aristotle in favour of open elections for the executive offices. He saw in this again a chance for the control of the government by the ignorant mass of citizens, and he preferred to eliminate such an opportunity for instability by advocating the selection of magistrates by lot or vote or by both, from amongst the recognized aristocracy of ability.

In this polity Aristotle hoped to eradicate the possibilities of revolution. If all the citizens had some share in the government, their interests were identified with its stability. If all recognized that some men were born superior and others inferior, where would be the point of rebelling against one's natural incapacity? If the small group of aristocrats knew that each in turn would come into office by the casting of lots, what need had the most ambitious of anything save patience till his turn should bring him into power? Thus in this happy mean so dear to the Greek soul, did Aristotle suggest the removal of the disease which was corroding the political life of the city-states. Insisting on the instability of human ambition, but at the same time recognizing the pliability of man when led by his emotions, Aristotle sought to find an outlet for these ambitions and a resolution of these emotions in the life of the state. Give men their share in government, retain and utilize for the welfare of the whole community man's love of his own property, his passion for his family and his friends, and inevitably the state would be bound together not by alien ties but by the strongest and most natural emotions of which men were capable. Man, said Aristotle, is pre-eminently a political animal.

The remedies suggested by Plato and Aristotle came too late to save the city-states from the destruction which threatened them. Aristotle lived to see the expansion of Macedon into an eastern empire, and the final subordination of the city-states whose individuality he so valued. Plato was called upon to act as lawgiver to one state where his suggestion of a philosopher-king failed to prove adequate in the absence of the philosopher. But the repercussions on

the actual world of contemporary politics of these two treatises was nothing in comparison to the effect they had in moulding the thought of subsequent generations. Plato had set up an ideal state showing forcibly the necessity for absolute control if the end in view was considered worthy of attainment. He showed how much must be eradicated if unity was set as the ideal object of political life. Family ties, home life, even individual happiness, were not too great a sacrifice to be demanded in the name of the welfare of the body politic. Aristotle gave to the world definitions of political terms which it has not yet had to supersede. Moreover, his ideal of mixed government and his acute analysis of the adjustments necessary between the component parts of the body politic were models to succeeding generations. Plato showed the necessity of considering the purpose of not only the state, but of man, before political life could hope to obtain any proper adjustment; Aristotle propounded scientifically with fruitful illustrations from contemporary sources the nature of government, its forms and variations; the essential laws controlling its corporate life. On the foundations laid by these two thinkers many subsequent generations have built and rebuilt their theories of politics.



CHAPTER III

THE REIGN OF LAW: STOICISM AND ROMAN JURISPRUDENCE

THE political life of the Greek city-states collapsed completely in the third century B.C. Aristotle's pupil Alexander the Great extended the political unit of the city into an empire; the compact individual character of the cities was lost; the core of Greek cultural life decayed. The distinction between Greek and barbarian which had isolated Greek culture from contaminating influences, disappeared; the pure currents of Greek thought were mingled with eastern and western streams which vastly changed their character and direction. In the second century B.C. Greece became a Roman province; her political independence was finally lost; she became incorporated in a political system which emphasized forcibly the commingling of various nations and races. Greek thinkers ceased to speculate on the city-state as a political unit, and concentrated rather on pure philosophy or religion. The intellectual life of Greece was diverted from political channels into Stoicism, Epicureanism and Scepticism.

In every sphere of life a profound change was manifest. Drama in the fourth century had taken as its theme subjects of civic interest; the presiding deities of the city-states always played a prominent part. In the third century, the dramatists delighted their audiences with themes connected with personal or family life; the city-state was no longer a rallying point of Greek enthusiasm: interest in civic life had vanished. The religious outlook of the Greeks altered in the fourth and third centuries. Influenced partly by the dramatists, partly by political thinkers and philosophers, the people recognized in Zeus a supreme god over all other gods. At the same time the scientific study of natural phenomena was both the cause and effect of a belief in the possibility that nature was no longer capricious but obeyed certain definite and ascertainable laws. The conviction arose that a single law governed the universe. The assumptions which had

supported a belief in the supremacy of the city-state had disappeared. Internally and externally the pristine aristocratic isolation of the Greek city-states which had been such an important factor in the development of their political thought was undermined and finally swept away.

No definite treatises on politics have survived from these centuries. Thinkers occupied themselves with an inquiry into the fundamentals of philosophy, and made an effort to obtain some stable standard of morality in the rapidly changing conditions about them. Though there are no political treatises extant yet implicit in some of the philosophies were notions on the universe and the nature of man so radically different from previous ideas as to construct a new basis of thought, on which later speculators on the state built their systems.

Of these philosophies, the influence of Stoicism was by far the most important. The Greek Stoics, viewing the collapse of familiar forms of government representative of a unique civilization, turned their energies to the discovery of something which would offer them a bulwark against the ubiquitous disintegration of their society. They centred their philosophy in nature, and sought consolation for the uncertainty of human institutions in the stability of natural laws. Nature became their god; the source of all their activities; the object of all their aspirations. To become one with nature was the supreme object of man. Convinced that a unifying spirit infused all matter whether organic or inorganic, the Stoics argued that the nature of man was identical with the nature of the universe; man was but a part of the whole. Since man possessed will, nature too must possess will; since man possessed reason, so too must nature. The laws emanating from nature must be rational. As everywhere man was accustomed to subordinate means to an end, so nature subordinated means to an end and was essentially rational.

Stoic morals and incidentally their attitude to men's social relations were drawn from this fundamental belief in nature. To live the best life man must be at one with nature. Knowledge of nature was the primary and essential condition of the best life. The Stoics emphasized the accepted Greek idea that virtue depended on knowledge; whilst ignorance must inevitably result in vice: nay, ignorance was vice, whilst knowledge was virtue. Morality was thus bound up with

reason, because knowledge was impossible without the use of reason. The law by which men sought to live and to which they conformed their beings was a rational law. Irrational impulses resulting from emotions were to be suppressed rigorously. The Stoic despised all show of love, hatred, sorrow or joy. 'Banish joys, banish fear, put hope also to flight, and let not grief be present.' Fear above all was to be eradicated. Natural disorders emanating as they did from the same source of life from which human beings sprang were only apparently disastrous to human beings. Death being natural should be met fearlessly and imperturbably. Self-control was the highest virtue in the Stoic list.

In Stoicism no room seemed left for social life. The object of the individual was to cut himself off from making any response to his fellow men; to do without political life entirely; to live in accordance with natural law which was sufficient to regulate his actions without reference to external pressure from other human beings. Ethics and not politics was the controlling force between men. And ethics were essentially the concern of the individual, not of the group.

26879

Yet in the Stoic philosophy certain conceptions were present which exercised a profound influence on the future development of political thought. A negative conclusion may be first cited. The emphasis on ethics and the neglect of politics effected at once a separation between ethics and politics only previously suggested but not clearly distinguished in Greek political thought. An ethical standard separate and distinct from any set up by society was held to be the supreme ideal for the individual. The life of the individual transcended the narrow limits imposed upon him by the state. The good man of Aristotle's conception was something quite distinct from and superior to the good citizen. The state no longer was the only means by which man could attain to the best life. Rather man belonged to the general species of humanity, and in obeying the law of nature, which governed all men, found himself in the greater society of humanity. The phrase 'citizen of the world' was coined by the Stoics to express this kinship between all men of whatsoever nation or race.

Arising from this conception that all men were under the same fundamental law of nature, the Stoics enunciated their belief that all men were equal, seeking the same law in order to conform themselves

to its uniform pattern. The Stoics vigorously denied the Platonic and Aristotelean view of the natural inequality of man; they substituted the idea of the equality of man. This was a tenet of faith essential to the general structure of their philosophy.

Yet differences between men were apparent, for which it was difficult to account. The Stoics propounded as an explanation that at one time all men were actually equal: this was the golden age. The early Greek Stoics did not elaborate details for its disappearance or actual existence. This was left to the later Roman Stoics. It was enough to assert that an ideal perfect society had once existed which would serve as a standard from which to criticize existing imperfections.

Above all, the early Stoics' main contribution lay in their insistence that all phenomena whether human or non-human were not chaotic but essentially orderly. Their conception of natural law as a rational system controlling men and the universe linked up the pettiness of human activities with the general scheme of the universe. Human action became more profoundly significant whilst it was placed in a just proportion to the rest of nature. Natural law united all men together in one great community, the city of the world. In this great family all men were brothers and equals; all sought to harmonize their several individual lives with the one sustaining law of nature. This law was transcendent above man's desires; it was immutable. Man could not influence it any more than he could change the course of the stars. He sought to discover it because it was the pivot of his existence; unless he knew it he jarred against the very essence of life and would eventually break to pieces. Immutable rational law pervading the whole universe: such was the conception of natural law elaborated by the early Greek Stoics as their final word on the force which controlled man's every action. But the Greek Stoics did not seek to apply any of these notions definitely to political life. They left this task to the Romans.

The Romans previous to their contact with the Greeks, had speculated little on philosophy or politics. Of their unaided genius they had but one contribution to offer to political thought. This was the idea of sovereignty. From the earliest stages of their development the Romans were convinced that each community possessed an inalienable and unlimited authority to command. Each community had an

inherent power to exact unlimited obedience from its members. To this notion of absolute sovereignty they gave the name *imperium*. *Imperium* was the characteristic mark of a community. The early Romans made no attempt to develop this notion into a system of political philosophy. They were content to accept it on its face value and to proceed to express in practical activities this conviction that every community possessed supreme authority over its members: they developed an intricate and magnificent system of laws. Whilst Greece was theorizing on the nature of universal law, Rome was developing a network of jurisdiction over the then known world. The Romans were the law-makers of western Europe.

Throughout the imperial era a twofold movement was taking place within the development of this system of law. On the one hand the Roman status of citizenship was gradually granted to an increasing number of citizens outside the walls of the imperial city. This right of citizenship implied privileges of all sorts including particularly the right to be tried by the same law as the original citizens. So great a reputation had this law gained that the privilege of becoming a Roman citizen was much prized. So St. Paul preferred to seek justice before Caesar to being left to the mercy and prejudice of the local governors of Asia Minor. At the same time Roman officials were making an effort to unify the system of law which originated in the colonies outside Rome. Instead of leaving, as in the early colonies, the laws of the natives to exist separately from the laws of the colonizers, a process of amalgamation had set in; until Rome was able to appoint one central authority to supervise all the courts in the different provinces. Sufficient unity had been attained to warrant the possibility that such supervision would be effective. Two unifying processes thus dominated the growth of Roman law: the one flowing outwards from the centre, the other flowing inwards from the provinces; until finally they coalesced. At the height of Roman power all members of the empire were simultaneously citizens of Rome; all provincial courts were under the control of the central authority which supervised the officials administering the one body of law which had evolved.

The development of this legal system would in any case have concentrated the attention of the Romans on the subject of law. Their contact with the conquered Greeks from the second century B.C.

onwards emphasized this interest. Lacking in the philosophic temperament, without the fertile imagination of the Greeks, the Romans through contact with their subtle neighbours, became the unsurpassed masters of the theory as well as the practice of law.

Greek thought took some time to penetrate into Rome. Its full effect was not felt until the second century A.D. Before that two men did more than any others to introduce Greek Stoic ideals to the Roman world. The ease and grace with which Cicero speculated on the meaning of Stoic philosophy was only rivalled by the rhetorical flourishes with which Seneca proclaimed sententiously his belief in such few phrases of the same philosophy as he could comprehend.

Cicero's views on politics are known only in fragmentary form. Many have come down to us only through the doubtful medium of quotations in early Christian writings. It is difficult to piece together his conceptions of the state from these fragments; sometimes indeed his sayings are contradictory, due no doubt in some places to the loss of the intermediary reasoning. But it is possible even in this confusion to see Cicero as the Roman lawyer and the disciple of Stoicism combining his ideas to form some valuable contributions to political thought.

Cicero was interested in the Stoic idea of natural law. But he did not see it as a universal law governing all matter; rather he conceived of it in a delimited form, as a system of morals applicable only to human society. He saw it constituting a standard of justice to society; he declared that law and justice were synonymous. From this he deduced that some things recognized by society were contradictory to the law of nature and hence unjust. In this category he placed slavery. He argued that by the law of nature all men were equal; that therefore the subordination of one man to another was unnatural and unjust. But he did not condemn slavery outright. In some of his writings he seemed to condone a practice recognized in Roman law and essential to Roman economy and Cicero's personal ease. The Roman lawyer was at conflict with the Stoic.

Turning to the nature of man and his relation to the state, Cicero repeated Aristotle's dictum that man was naturally sociable. But he added that men were naturally inclined to love each other. Where Aristotle emphasized the differences between men and insisted on

their variety, Cicero emphasized their similarities and minimized their differences. To him as a Stoic all men were born equal and sought the same end in life: conformation to the law of nature.

As Cicero strove to set out in Latin form the ideas he had culled from his Greek masters, he simultaneously accomplished two things. He modified the meaning the Greeks had attached to their phrases, and in his use of Latin words for translation he gave new content and significance to familiar terms. Thus the Latin word *libertas* was introduced with an entirely new meaning to the vocabulary of political thought. Cicero used it to translate Aristotle's conception of the privilege of citizenship. It did not connote freedom from restraint, but specifically a right to share in the government of the state. But the state did not mean the same thing to Cicero as it did to the Greeks. Cicero, as a member of the expanding Roman empire, distinguished between the state and the city. He separated city politics from the concerns of the greater community which existed beyond the territorial limits of any one Roman municipality. He defined the state anew as a community united by a common law for the common well-being. Thus the Latin word *libertas* meant to Cicero and his fellow citizens something far different from the Aristotelean right of citizenship.

Seneca repeated much of that which Cicero had already treated, but with greater emphasis. His writings were even more quoted by the Christian fathers than Cicero's. In this lay their importance. One particular aspect of Greek Stoic thought which Cicero had left untouched was amplified significantly by Seneca. He elaborated the conception of the golden age. He declared that it had actually existed at one time, but had been destroyed by the lust for personal possession. He asserted that political society had grown up to restrain this lust; he concluded that political society existed as the result of the corruption of human nature. Seneca seemed to be implying that society was a conventional structure superimposed upon man in consequence of certain jarring elements in his nature. It was an unnatural product. This conception of the state as a superimposition subsequently played a large part in the development of Christian theories of the state. Its influence can be seen even as late as in the works of Rousseau.

Whilst Cicero and Seneca showed signs of being definitely in-

fluenced by their contact with the Greeks, the mass of Romans remained for some time impervious to any impression from their more cultured neighbours. It was not until the end of the second century A.D. when the Stoic emperor Marcus Aurelius stood out as an effective example of Stoic teachings, that Roman thought really seemed at last to be yielding to the greater subtlety of the Greek mind. The Romans, essentially practical in outlook, saw in Stoicism a religion rather than a philosophy. They sought to express in concrete form the abstractions becoming increasingly familiar to them. They tried to adjust their practice of law to the new theories of law developed by the Stoics. Their legal precepts passed through the crucible of Stoicism as understood by its Roman adherents; they were radically modified; they finally emerged at the end of the empire as the famous body of Roman law.

The Romans did not write treatises on the nature of law; they produced rather practical handbooks for lawyers. From these institutes their political theory has to be deduced. The task is made even more difficult by the fact that only fragments of some of the works remain. Still a few such as Gaius' *Institutes* are fairly complete; and Justinian's codification at the end of the empire is a reliable source of information both for its own and the previous periods. Such then are the sources from which the political theory of the Romans is deduced. Fragmentary and incorrect, yet certain definitions stand out as essentially Roman; certain explicit conclusions can be drawn from the ideas implicit in this mass of practical jurisprudence.

To the Roman the natural law of the Stoics seemed at first identical with the law of nations known to him already as a practical body of law. This system operated for foreigners and represented a mixture of Roman and foreign law. To Gaius writing in the third century the law of nations was a set of ideas common to all mankind and based on natural reason. Unlike the Stoic notion it was confined entirely to humanity, and was limited to men's expressed ideas as found in their codes of law or customs. It would seem, as with Cicero, as though existing systems of law and the idea of justice were identified. The later Roman lawyers, however, made a further distinction. They separated natural law from the law of nations; they seemed to see in natural law a body of principles known to man in his heart, sometimes

at variance with the law of nations. A separation between justice and a system of laws was tacitly made. Thus slavery to Gaius was a natural result of war to which he had no moral objections; whilst to Ulpian and the later jurists slavery was distinctly contrary to the law of nature which declared all men equal; yet it was part of the law of nations as it was found as a recognized custom throughout all known society. The later Roman jurists affected by Stoic ideas could not justify slavery by the law of nature. Some things they recognized were conventional, unnatural and hence difficult to justify. The earlier complacent identification of the system of law and the idea of justice was giving way to a dissatisfaction with the existing state of affairs.

Besides these two general forms of law, the lawyers recognized a third: municipal law relating specifically to special communities or states. This law, too, might be at variance with either the law of nations or the law of nature. Cicero had perceived this previously, and had distinctly asserted that no law in the state could be binding unless it was recognized by the individual as part of the law of nature. But no general effort was made amongst the lawyers to reconcile the three ideas into one comprehensive system. The Roman jurists were content to make these distinctions for their own practical use, and leave their philosophic justification to later ages.

Turning to the question of property, the Roman lawyers unlike the Greeks dissociated it entirely from slavery. Property was declared emphatically to be a natural institution. It was inherent in the nature of things and hence inviolable. Neither the early nor the later jurists offered any criticism on this important aspect of political life. The institution of property was sacred and above criticism.

The family on the other hand was accorded no natural rights nor importance in the political system such as Aristotle had attached to it. Marriage was considered to be merely a contract. The family was a conventional group dependent on this legal contract, which was dissoluble at the will of the participants. The family unit was rendered unstable and insignificant. In such a system it could not be and was not regarded as in any sense the basis of the state.

In dealing with the important subject of government, its nature and origin, the Roman jurists developed their theme on their own peculiar

lines. Unlike the Greeks they associated it neither with slavery nor with the family. It was entirely the product of their original conception of *imperium*. This conception was elaborated in different ways throughout the history of classical Rome. At first it was held that the community could always delegate this power to its rulers. Hence when the senate ruled under the republic, the power had merely been delegated for a time into their hands. In a crisis the people had the right to transfer this authority to the hands of a dictator. Always the power resided in the community; and, wherever it was momentarily placed, the community as its controller could always shift it backwards and forwards, now to this body of citizens, now to that. The early conception of *imperium* was essentially democratic. The will of the people as a whole was the real source of all political authority.

With the rise of the empire, a new interpretation was given by the lawyers to the word *imperium*. They elaborated a great legal fiction. They declared that at one specific time, never actually stated, the people had transferred their inherent right to command to the emperor, not for a transient occasion but for all time, irrevocably. The absolute right to command (and its corollary, the right to demand unlimited obedience from every citizen) was thus placed for ever in the hands of the emperor; he was a perpetual dictator. The conclusions from this statement were important. The emperor was responsible to no one; he alone had the right to command and exact obedience, he was above the law as he made the law. For the right to command obedience to a law implied the right to make that law. Municipal or civil law, that is the civil law of the state, depended then on the will of the emperor. The Roman lawyers by a clever manipulation had erected an absolute monarch whose will was law. Irresponsible and non-moral the emperor stood above the people whose welfare was no longer his duty but merely his pleasure. The democratic side of the idea of *imperium* was completely eclipsed by the glory of the imperial majesty. In Justinian's codification the emperor was said to have the law of God (which was the law of nature) written in his heart. The emperor therefore had been granted from the people the supreme control not only over their community, but also over their consciences. He was the only source of political authority; he was the supreme

fountain-head of the law which immutably and irrevocably bound the wills of his subjects into subjection. Government originating in the community's will to command, became under the manipulations of the imperialistic lawyers, a machine pivoting on the arbitrary will of the emperor. The people had no rights nor share in it; they had no political duties save to obey implicitly. They might prize the right of citizenship of the empire because of the benefits they received therefrom in the courts of law; but they had no right to change the law administered therein: it was written in the heart of the emperor.

Paradoxically the Roman lawyers maintained two irreconcilable theories: they insisted that the highest authority in the state was above all law and entirely irresponsible; yet they asserted that all human activities were governed by the law of nature and, to be at all justifiable, must be in accordance with this law. They seemed to be making a fundamental distinction between society, which was governed by either natural law or the law of nations, and the state which had its specific law emanating from the will of the sovereign: within the state they seemed to make a further important distinction between the state and its government.

These distinctions were implicit in their statements. They were not elaborated. The Roman lawyers were not profoundly interested in the nature of the state as were the Greeks. In fact the isolated Greek city-state had been superseded by the Roman empire; in theory man as a political animal was transformed into a citizen of the world governed by a multifarious system of laws. Law and its manifestations were the chief concern of Greek Stoics and Roman lawyers alike. They saw man transcending the narrow limits of his municipal interests and realizing his communion with other nations and other races. They emphasized as a common bond between this concourse of peoples the supremacy of law as uniting all social and individual effort to a single end: harmony with the law of nature.

Greek Stoicism and Roman legal theories played an important part in the development of political thought. Stoic ideas penetrated into Christianity both before and after its establishment as the state religion of the Roman empire in the fourth century. Early Christian thought born in the east and later formulated into creeds by eastern thinkers came sharply into contact with Stoic philosophy from which

it gained much. Later the Christian system was grafted into the Roman, and again was subjected to the modifying influence of Stoicism.

Much more directly Graeco-Roman concepts of law helped to formulate political thought in western Europe. When in the twelfth century the study of Roman law was revived in Italy, special schools of law were established to educate men who were subsequently to become the chief statesmen of the newly developing nation-states of Europe. The Roman body of law incorporated in its codes and institutes became the handbook of these eager law students and the model on which the European kings in some cases sought to establish their newly consolidated kingdoms. The development of Roman jurisprudence was the development not only of Roman political thought but of the foundations of the modern state.

The universality of one immutable law; the idea that the state was not the final goal of life, but was a convention established by men and existing by their will, yet in some undefined sense bound to move in harmony with fundamental law and to be subservient to it; the assertion that the individual had an end transcendent to that of the state and possibly in conflict with it; the differentiation between society and the state arising from the definitions of the different types of law; the precious distinction between legal systems and the principle of justice; above all the unique idea of *imperium*, an absolute irresponsible power resident in every community, a non-moral sovereignty — these were the ideas formulated or implied by the Roman jurists during their constructive efforts to establish their empire in the west.

CHAPTER IV

THE INFLUENCE OF EARLY CHRISTIANITY ON POLITICAL THOUGHT

THE political concepts of the Christian thinkers did not become an important factor in political thought until Christianity was accepted as the official religion of the Roman empire in the fourth century. By that time Christian thought had been formulated to some extent. It had had over three hundred years of growth and adaptation to its environment before its official recognition. During that long period it had developed an organization of such a character that it was bound inevitably to come into conflict with the existing machinery of government, and in that conflict to modify current conceptions and itself be modified. Early Christian thought can be conveniently classified into three groups: the first period of internal development and formulation lasting to the fourth century; the second period of modification when the religion became official for the whole Roman empire lasting to the fall of the empire; the third period of adaptation and struggle when the church was left as the sole guardian of western civilization against the barbarian influx. This period passed imperceptibly away when Christianity itself was no longer the dominant force but was yielding and changing its character under pressure of barbarian notions. Early Christian thought then merged into the medieval synthesis.

In the first period the main sources of Christian thought are embodied in the epistles of the early apostles and fathers of the church. The gospels as second-hand records obscured by religious sentiment admit of too many interpretations to be treated as reliable sources of political theory. St. Augustine's masterpiece, *The City of God*, was typical of the second period. It showed the reactions of a devout Christian and clear thinker to the fall of a long-standing civilization. The last period had its opinions incorporated in a kind of compendium of current ideas compiled by the Spanish Christian St. Isidore of Seville. From these three groups of writings, supplemented by a

thorough knowledge of the actual environmental conditions, some idea of the effect of early Christianity on the development of political thought can be obtained.

Though many of the Christian concepts can be seen to be similar to and almost identical with the pervading Stoic ideas, yet one great difference existed between these two systems of thought. Whereas the Stoics were concerned with philosophically adjusting themselves to the reality of natural law; and the Roman lawyers attempted to interpret this philosophy into a practical system of jurisprudence; the early Christians began by postulating an entirely new society not at all ephemeral but concretely embodied in the growing intricacy of ecclesiastical organization. The Christians defied the Roman state by the actual establishment in its very centre of another state: the divinely appointed church. The defence of this new society constituted a biting criticism of the existing political order, wherein lay the pith of the influence of Christian thought on politics. Moreover, not only did the desire to maintain the newly founded church activate criticism amongst the Christians, but the very concept of a church was an innovation to western thought. Neither Greek nor Roman had separated spiritual and temporal powers. The early Christians created this separation and attempted to justify it. The concept of a church (whatever may be the definition given to this term) as a separate society from the state must be admitted to be the most original and most important contribution of Christianity to political thought. What meaning did the early Christians give to this new corrosive concept? And how did they achieve its formulation?

Religious zeal stirred the early Christians until all familiar institutions seemed imbued with new meaning and fresh significance. Everywhere they perceived the guiding spirit of the Almighty Creator who in his solicitude for man had in their own times deigned to achieve the redemption of the world. God was very present in the first centuries of the Christian era. The effect of this overwhelming consciousness of the divine was far-reaching in the realm of social relations.

The main theme of the Christian message was the salvation of the soul through the redemption offered by Christ. This deeply affected the conception of human nature. The Stoics and Greeks had hardly

stressed though they had recognized warring elements in human nature. To Christians a cleavage was necessary if salvation was to be effective. Sin was the logical postulate to a doctrine of grace. St. Paul, aware of his own weaknesses, overwhelmed by the dazzling brilliance of a very real religious experience, found in his own life recalcitrant desires which would not conform to his rational aim to live according to the divine will. He asserted as an explanation that man was a dualistic being consisting of two antagonistic elements, body and soul. 'I find another law in my members, and what I would not, that I do.' The body was the inferior animal mortal side, the soul the superior element of immortality worthy to be saved. The presence of this dualistic nature in man was explained by the story of the fall. Both Stoics and Christians held that man, once perfect, had fallen from this state. But the Christians added that this fall was due to the temptation of Satan leading to sin. In sinning man lost the power to do good, and since then struggled ineffectually to live according to the divine will. God had sent prophets and martyrs to point the way to salvation; had laid down the principles of morality in the Mosaic law; man was still too weakened to attempt to follow successfully these precepts. Moral strength was lacking. This was now forthcoming through the agency of Christ who had released the fount of grace to the world. All the precepts given by God from the fall of man to the coming of Christ were called indiscriminately the law of nature or the moral law. The Stoic conception of natural law as pervading the whole universe and being in a sense non-moral had been delimited by the Christians to the sphere of morality alone. Natural law was now conceived as a moral code. St. Paul argued that this morality was known to all men and written in their hearts. Conscience was its voice. Right and wrong were known to all through this law. But to effect the right was the fundamental difficulty. For that grace and redemption were required, which should take away the burden of sin inhibiting men from their performance of the law of God. The defence of the necessity of salvation led St. Paul to his assertion of the dualistic nature of man; from that he proceeded to its explanation by means of the Stoic conception of a golden age embellished by the Hebrew legend of a moral lapse. Then came the Hebraic conception of natural law and a profound conviction that all man's activities were

leading on to the final revelation offered by Christ. God, to St. Paul and his contemporaries, was obsessed with the desire to save man. That was the ultimate goal of the divine will. But there were some awkward difficulties in achieving salvation.

The early Christians imbued with a sense of the stupendous change which their new religion had made in their lives were liable to outbursts of enthusiasm. As a result, a charge of anarchy was constantly hurled at them, and a fear arose amongst the leaders that the faith would be brought into disrepute by the uncontrolled zeal of its fiery partisans. Evidently in the early days of the church emotional excesses occurred frequently enough to cause anxiety amongst the more sober minded. But it was difficult to restrain men from headlong defiance of the existing order, when the doctrine was preached to them that now that they were saved all the old laws were contravened by the new dispensation. The problem arose of reconciling the firm religious conviction that God had in fact saved his people from bondage to sin, released them from oppressive restraints in order to fulfil his divine will and to bring them to salvation and the necessity to instil into the zealots a respect for the contemporary social order. If God had willed a release from bondage, and had pointed the way to salvation by indicating a new method of life, how then could the apostles expect men to bow down to the old order and obey the old authorities whose commands were sometimes obviously contrary to the law of God as newly revealed to the faithful?

To meet this real difficulty St. Paul and his associates elaborated a conception of the origin and nature of government which formed the bedrock of Christian political thought for centuries. St. Paul urged obedience to the existing political authorities on the grounds that all government was established by God. 'The powers that be are ordained of God', he wrote to his recalcitrant Roman disciples. And obedience was due to them by the law of God. Political obedience was thus enjoined as a religious duty; to disobey the existing magistrates was to disobey an ordinance of God; to do this was not only a crime against society but a sin against God who maintained the foundations of the social order. Sinful man must be restrained in the way he should go; God had set up government for this purpose. According to Hebraic authorities with whom St. Paul was thoroughly familiar,

government existed to restrain sin. Yet, though it resulted from the presence of sin it was not itself sinful as it was constituted by God who had given the power of the sword (that is, the use of force) to magistrates, whether kings, emperors or their subordinates, to punish the evil-doer and reward the good man. This was for St. Paul the essence of justice. Justice was the maintenance of the law of God which was a system of rewards and punishments based on a clear conception of good and evil. The will of God was the maintenance of good and the suppression of evil: this was his fundamental law. He instituted governors to enforce this, who must be obeyed without demur. St. Paul did not explicitly enter into the possibility of a clash between the behests of the divinely ordained governors and the dictates of the law of God written in the hearts of men. Yet implicit in some of his remarks lay a realization of this possibility, and suggestions how to deal with it.

Slavery, St. Paul maintained, was contrary to natural law. In the first instance all men were created equal and free. There were neither bond nor free, Jew nor Gentile. But sin crept in and destroyed the equilibrium of man's life. By sin men were enslaved to the lower part of their nature, to the lusts and desires of the flesh; this was real slavery and constituted a tyrannical bondage of the real man. Salvation was a release from this condition. When a man was saved, his soul was freed. How then explain actual slavery? St. Paul replied that actual slavery existed for two reasons. Like government it was a means of restraining evil. The true slave who was in the bondage of sin must be kept in check by a master whose function was to punish the evil in his slave. If on the other hand a man was free in his soul, his external condition of slavery was immaterial and must be regarded as a discipline imposed by God for the good of his soul. So St. Paul urged runaway slaves who saw in the Christian message of equality a justification to escape their odious condition, to return peaceably to their masters and live under their tutelage, to show in their humility and obedience their real submission to the will of an almighty God. In this way slavery, which seemed the antithesis of the Christian message of redemption from bondage, was justified in the early Christian era and was tolerated for centuries by the early church.

But whilst the anarchical elements in the early church were

rigorously suppressed by St. Paul and the other leaders by an admonition to obey the all pervading law of God as manifested in the existing social institutions which stood for order, there were certain revolutionary tendencies in the newly growing society which were encouraged by these same men despite their subversive effects on contemporary customs and institutions. Whereas in republican Rome of the third century B.C. the family had been considered the foundation of the state, in the Roman empire marriage had come to be regarded as a legal contract dissoluble at the will of the parties concerned. This change in attitude towards marriage had resulted in a redistribution of authority. Parental control which had been of an almost absolute nature in early Roman history gradually yielded before the pressure of the state until with the growth of divorce under the Empire family life so decayed that very little parental authority existed. The early Christians made a successful attempt to reconstruct the family unit. By reviving the family and parental authority they laid a firm foundation for their new social order. Marriage in Christian ethics ceased to be regarded as a contract and was looked upon as a sacrament. The bond between the parties could not be dissolved. 'What God hath joined, let no man put asunder'; divorce in this system was entirely wiped away. Having declared marriage to be indissoluble the Christians proceeded to assert that within the family the father was to be regarded as the only head; wife and children were subordinate to him even as all the children of men were subordinate to God the father. Bound up with the very bedrock of Christian theology, the family under these influences was restored to something of its pristine authority under the old Roman system. The father as head was more easily dealt with than independent members of his household, and as his position of authority depended largely on his union with the church, so he was likely to form a willing co-operator with the ecclesiastical authorities. In this way Christian organization was able to persist in spite of persecution. The family under Christian influence became an important element as in early times. An authority was exercised in it which was of greater weight than purely domestic matters warranted. The Christian conception of marriage was not only a criticism of the existing social conditions of the empire; it was a threat to its political authority, for in the family

a rival claimant to the authority of the state appeared in the paterfamilias whose duty and inclination bound him to an observance of Christian rather than imperial law. Political authority was being challenged by every Christian man who, firmly convinced that his marriage was a holy sacrament, knew himself to be placed at the head of his family by the will of God, and regarding himself as divinely appointed to this position could not brook interference from the pagan authority of imperial officials. The revival of the family unit by the early Christians was one of their first significant moves towards the constitution of a new order of political society.

Simultaneously another process of as great importance was taking place within the organization of this religious sect. From the very beginning of Christianity there was a firm conviction that the new way of living must inevitably clash with the accepted customs of the day. St. Paul was acutely conscious of this possibility. He urged acceptance of the established authorities but at the same time he vehemently asserted that Christians should not seek satisfaction in a dispute before a pagan court. Any dispute between Christians, he asserted, ought to be brought before other Christians, particularly those with some semblance of spiritual authority. This was nothing less than a suggestion to set up courts composed of Christians to try Christian disputes, according to the new revelation of God's law. In short, St. Paul was advocating the establishment of a system of courts and laws as a rival to the imperial. Such, in fact, his suggestion proved to be. Within the first three centuries of Christianity there was no doubt that the new sect was nothing less than a state within a state, existing according to its own laws, judged by its own members, and above all refusing to acknowledge the authority of the emperor over its actions. This final assertion was calculated to make the Christian faith a difficult proposition to Roman authorities.

The policy of the Roman government towards religion was one of toleration, provided the sects were willing to recognize the emperor as head of the state and to submit to the rite of emperor worship. The Christians could not in view of their faith that God was the only ruler of the world acknowledge the pagan emperors of Rome as worthy of worship. This was due to God alone. The absolute power of the emperor was always limited in the mind of a Christian by the law of

God whose interpreter was the inspired church, not the emperor. Despite the belief that all authority emanated from God and obedience was due to the emperor as a religious duty, yet when the dilemma of obedience to the emperor or God presented itself to the members of the early church, without hesitation they denied the emperor recognition. In the first three hundred years of its existence Christianity therefore was intermittently persecuted by the Roman authorities. If the Christian danger seemed quiescent their treatment was lenient; when unrest created fear then persecution followed as a matter of course. The Christians, unlike any other sect, refused the grant of toleration from a source which their faith compelled them to believe had not the right to tolerate. So matters stood until the fourth century. The Christian church by then had a definite organization; had established a new attitude towards marriage; had revived the family unit: everything suggested that a new type of society had arisen in the midst of the old. So long as it remained confined to the outcasts and the poor; so long as its numbers were negligible; so long was there little to fear from Christianity as a rival political system to the Roman empire.

But in the fourth century conversions in the Roman army spread rapidly. A large proportion of the imperial soldiers became Christian, and their consciences became troubled about their allegiance to the emperor. Under pressure of this danger, the emperor had no alternative but to accept the new faith as his own. In the middle of the fourth century A.D. Constantine became the first Christian emperor, and Christianity was recognized as the official religion of the empire. Christianity had entered on its second phase of development.

The immediate practical result of this exaltation of Christianity was the dilution of its enthusiasm. The new official religion of the state drew to itself not only sincere believers but a mass of members who for various non-religious motives joined its ranks. Secondly the policy of the Roman empire towards other cults changed. Christianity refused to tolerate any other religion within the confines of the empire. Religious persecution of all non-Christian cults ensued. The character of intolerance changed as a direct result of Christianity. Persecution was no longer sporadic, arising from political motives which varied with the exigencies of the time, as in the early days of

the Roman empire. The Christians maintained on the contrary that there was only one true religion; that all governments were established by God to carry out his divine will to bring all men to salvation by establishing this true religion; that all other faiths must be suppressed by the authority of the emperor in his function of maintaining the law of God. Persecution became in Christian political theory an inescapable duty continuously incumbent on the state.

The civil authorities for their part were trying to control this new ecclesiastical power which seemed to bid fair to become the dominant force in the state. The emperors throughout the brief period before the fall of Rome struggled to obtain control over the appointments of bishops; over the calling of church assemblies; over the formulation of doctrines and creeds which were to constitute the law of the church. After the fall of Rome when the centre of imperial government was shifted to Constantinople, Justinian in the fifth century succeeded where his predecessors had failed. He established himself as the chief authority in the church to whom the highest bishop was subordinate. But whilst Caesar-papism was destined to succeed in the east, another theory developed in the west to fit the more complicated facts. The direct result of the clash between the two powers, and the most important theoretically, was the formulation in the fifth and sixth centuries of the theory of the two swords. This was the main contribution of Christianity in its second phase to political theory, and marked an important step in the development of political thought.

The theory of the two swords was taken from the episode of St. Peter showing Christ two swords when in the garden of Gethsemane. From this simple action the Christians of the fifth century deduced that Christ had meant two spheres of authority to exist in the government of the world. Relying on the already firmly accepted conviction that man was dualistic in nature, they argued that he had two types of life, the spiritual and temporal, over which God had placed two separate authorities, the church and the emperor. There was no need for these two spheres of influence to clash as both had separate functions to perform. The emperor cared for the temporal welfare of his subjects and saw that justice was maintained and order enforced; the church exhorted to obedience to God's law and saved souls by

means of persuasion and the discipline necessary to this end. The church must formulate its creeds, appoint its judges, control its jurisdiction. Both authorities were equal and neither was subordinate to the other. In theory at least, it was maintained that the line between spiritual and temporal matters was clear, despite the contrary evidence of the facts.

The finest exponent of the theory of the separation of the two kingdoms was St. Augustine. His *City of God* written as the outcome of the fall of Rome, showed the reaction of a sincere believer to the establishment of Christianity as an official religion. St. Augustine rejoiced in the fall of Rome; he saw in this event the beginning of the era when the kingdom of God would be established on earth. To him the history of the human race had been characterized by a struggle between the temporal kingdoms and the city of God typified in the first instance by the quarrel between Cain and Abel. Cain's descendants represented the evil element, Abel's the good; and the rise and fall of the great empires of the world were the fluctuations brought about by the evil actions of Cain's posterity. The downfall of the Roman empire he saw as their final catastrophe. In its place was to be erected the spiritual kingdom of heavenly Jerusalem which should have dominion over the whole world. St. Augustine did not envisage the destruction of all political life; he saw rather the subordination of all temporal kings and princes to the one authority residing in the Heavenly Jerusalem. Kings and princes were to be the servants of the ecclesiastical authorities.

Unlike his fellow Christians St. Augustine emphatically denied the dualistic conception of man's nature. Sin, he asserted, was the result not of a defect in nature but of a defect in man's will. Denying that the conflict between good and evil was confined within the narrow sphere of the individual soul, St. Augustine saw this conflict on the vaster scale of all history, nay, of the whole universe. He maintained that the angels themselves had been divided by the satanic rebellion into two groups representing the powers of good and evil. Similarly he asserted that mankind was divided into the two types, those who were predestined to sin and those who were predestined to salvation, the ones the sons of Cain, the others of Abel. St. Augustine was suggesting a theory of historical evolution. This brought him to the

conclusion that Europe was destined eventually to be a single entity, politically separate, but spiritually and hence basicly united.

This vision at the time of its conception was stupendous. From the chaos of the collapsing Roman empire the saint envisaged an achieved unity. He presented in pictorial and vivid language the theory of the two spheres of influence already implicit in the relations between the early church and the Roman state. The *City of God* lay between two worlds, the classical and the medieval: it was the closing chapter of the one and the opening of the other. St. Augustine insisted that the conflict between church and state was not merely a temporary incident but was perpetually true of the whole course of history; he foresaw in the near future a resolution of this conflict in terms of the triumph of the spiritual kingdom.

In the early years of Christianity little was said about property, and that little was vague. This indefiniteness persisted until the end of the second century. From that time to the time of St. Augustine's writing, the Christian authorities seemed gradually to formulate their attitude to property more definitely. By the fifth century the once despised sect had acquired sufficient property and power to make important the question of the justness of its possessions. The early Christians had vaguely suggested that all things should be held in common amongst the faithful. But this was not elaborated and no objection seemed to be taken to the possession of private property by Christians. By the time of St. Augustine the church had already come into direct conflict with the imperial government over the question of the right of the civil authority to deprive recalcitrant members of the new faith of such property as they possessed. St. Augustine expressed on one of these occasions of conflict his views on property which were typical of the general attitude of his fellow Christians to this subject. He maintained that God had given all the fruits of the earth to man and man could make use of those fruits to satisfy his necessities. But beyond what was sufficient for his needs should be used for the benefit of all men. In short, he considered that in the state of nature property was common to all men, but that each had the right to take from the common stock for his particular use; anything over and above this quantity belonged to the common stock and should be used for the benefit of all. Some of his contemporary

Christians even maintained that almsgiving was not charity but merely justice; it was returning to the common stock what naturally belonged to it. Community of goods was not recognized as compulsory or beneficial. All goods were originally given to man for the common use; private property was a right to acquire sufficient for one's personal wants; but private property was always limited by the recognition of the responsibility to use all goods for the common benefit. An absolute right to private property as understood by the Roman jurists was vigorously denied by the Christians. Private property like government and slavery were conventional institutions superimposed by man or God for the benefit of humanity, after the collapse of the original perfect state of nature occasioned by the fall. Private property being established by man could be removed by man at his will: the imperial government could remove the church's possessions at its own pleasure. But St. Augustine avoided this conclusion by the safeguarding clause that some property was instituted by God and only the righteous should possess it. This suggestion was later much elaborated by the medievalists. It was merely a suggestion of St. Augustine's drawn from him in a moment of controversy. Essentially the Christians were developing a new theory which emphasized the responsibility of property and denied the right of unlimited and irresponsible personal possession.

There is some controversy as to the influence of the *City of God* on medieval thought. Some authorities hold that the book was little known; others that it formed one of the chief manuals studied amongst ecclesiastics. It is safe to say that its influence can be seen clearly in the thirteenth century in the conception of Christendom as a united state. St. Augustine's definitions on property certainly formed the initial step in the formulation of medieval doctrine on this question.

With the fall of Rome in the fifth century the empire began visibly to disintegrate. The eastern empire rapidly withdrew from western politics and concentrated on its own internal problems and protection from eastern foes. In the west, the barbarians were settling in groups of various numbers and accordingly cutting up Europe into racial divisions. As they set up their own barbarized version of the Roman civilization, they introduced a far less complex

notion of society. The church remained as the sole guardian of classical culture.

The influence of the barbarians on political thought and institutions was retrograde. The standards of culture had to be adapted to the lower level of untutored minds until by the seventh century the effect on thought could be clearly seen. The period of constructive thought which produced the theory of the two swords on the political side and the great creeds on the religious, gave way to a dearth of ideas when men seemed content to con by heart the formulae of the preceding age. Fragments of thought rather than whole systems were the order of the day. Books were compiled of quotations from others rather than of the conceptions of the writer. Of such a type was the work of St. Isidore of Seville in the seventh century. It was an encyclopaedia of current conceptions. Searching for the origins of everyday phrases and words, St. Isidore gave a valuable though fragmentary picture of contemporary thought.

The chief characteristic of this later period of early Christianity was the commingling of Stoic, Roman and Christian concepts. Taken wholesale from the Stoics were the conceptions of a golden age, natural law and the natural equality of men. But under the transforming influence of Christian fervour these ideas were given new content. The golden age became a symbol of man's uncorrupted past from which he had fallen, to which he might return through the grace of Christianity. The kingdom of God had existed in previous ages; it was proclaimed as a possible future for mankind despite their sinful nature. The Christians extended the contrast between the ideal suggested by the Stoics and the actual conditions, until they evolved an elaborate theory of man as he ought to be and man as he was; in which the church pointed him the way to the ideal, and the state dealt with him as he was. In natural law a similar concreteness was given to the concepts inherited from the Stoics. In this the Christians were even more influenced by the Roman jurists than by the Stoics. St. Isidore made clear that by the seventh century the tripartite division of law recognized by the late Roman lawyers had become part of Christian thought. There was natural law, which was an innate perception of right and wrong common to all men. This was St. Paul's definition, but St. Isidore elaborated it by specifying

the actual relations of men living by natural law: all men were free and all property was in common as God had given the fruits of the world to men for their common use. However, under the law of nations, regulations were made restricting men to private property, curtailing their freedom by the establishment of slavery, and setting up many other minor regulations which delimited the sway of natural law. This system of law was, according to St. Isidore's definition, the common element in all societies. Finally there was the civic or municipal law referred to in terms of the definition given it by the Roman lawyers: it depicted any particular system of law of any given state. From the generalizations of the Stoics, through the precise formulations of the Roman lawyers, the concept of law had passed into the hands of the Christians to be modified by them into a composition of the two. Based on broad principles similar to the Stoics, but elaborated in detail as by the Roman lawyers, the early Christians conserved in their teaching a profound conception of law destined to form the basis of medieval philosophy and more practically the entire system of canon law.

Nothing further was added after the sixth century to the concept of the relations of church and state. As parallel authorities they existed side by side. Both received sanction from God for different ends. But there was always a suggestion, particularly in the *City of God*, that the church had the superior part to play. As yet, however, this was not elaborated. It was left to the later Christians to bridge the gaps in the system of their predecessors.

The outstanding contribution of the early Christians to the development of political thought was the postulation and elaboration of the idea of a church. No one before the Christians had definitely seen a difference or even the possibility of a difference between spiritual and temporal matters. Firmly convinced by their faith of a conflict within man between what they felt were definitely higher and lower elements; convinced also that this conflict was not only an internal moral struggle within each individual but was the conflict written in the history of mankind between the forces of good and evil, the early Christians had no alternative but to separate the higher and lower elements in this struggle into the two departments: spiritual and temporal, the one conducive to the things of the soul and immortality,

the other leading through transient pleasures to a mortal end. Urged too by their religious fervour to interpret this conviction in terms of action, the early Christians in the first place withdrew themselves from the kingdoms of this world and concentrated in their own groups on the establishment of the kingdom of God. The church had come into being. The separation of spiritual and temporal powers, the realization of a clash of standards between natural law as the norm of justice and the actual system of jurisprudence then existing, was given concrete shape and definition by the creation of the church. In this existing tangible body the principles of justice were formulated through the living inspiration from the very fount of justice itself; God was ever present with his apostles, and had already shown his will beyond doubt through the example of his son. The Stoic might search in his heart for the natural law to which he must conform if he was to adjust himself to reality; the Roman lawyer might frankly admit that justice and the Roman system of jurisprudence were not synonymous and might even formulate characteristics peculiar to a code of righteousness; but the Christian attended frequently and fervently at his church and daily renewed within himself the conviction that his concept of the divine law was not an individual interpretation of God's will but was without shadow of doubt the actual absolute will of God, the very law which permeated the whole universe and sustained nature and the society of men. The law of God was clearly audible through the voice of the church. Criticism of existing institutions no longer vacillated but was a sustained effort, generated by the persistent attack of the new intolerant religion against all other modes of thought and life. The Christians precipitated a struggle between ideals and actualities which has persisted to this day. It is in this struggle and the progress inherent in any such perpetual criticism of the existing order of society that the early Christians made an important and lasting contribution to political thought.

CHAPTER V

THE ATTEMPTED SYNTHESIS OF THE MEDIEVAL SCHOOLMEN

IMMENSE changes took place in social and political life between the eleventh and thirteenth centuries in western Europe. These greatly stimulated speculation in the political and philosophical sphere. Men made an effort to adjust their old modes of thought to the new facts of their growing experience. As the changes were many and varied so speculations induced by these events varied and formed a complex and often irreconcilable body of political theories. The Middle Ages is thus a period difficult to summarize in one or two chapters. In point of view of chronology alone the term is used loosely to cover a period of some seven hundred years, as much as separate the twentieth century from the era of the crusades. Yet the artificial divisions, which must necessarily be made in order to reduce this chaotic mass of theorizing to comprehensible proportions, can be based on a few distinctive features which seem to split the period into definite sections sometimes chronological, sometimes according to subject-matter.

The period can be narrowed chronologically into the three hundred years extending from the eleventh to the fourteenth centuries. From the fall of the Roman empire until the eleventh century, European thought as a whole may be regarded as static. The brief renaissance of the Carolingian empire was a brilliant exception. But as a rule intellectual life confined itself during these years to a process of repetition. Such books as were written were mainly summaries of writers of the previous active period of thought under the Romans. Teutonic notions of society were implicit in customs and institutions; they were not yet explicitly stated in literary form. The young nations, like children, were learning their intellectual alphabets and were laboriously spelling out the works of former masters. Not until the eleventh century did they attempt any independent thought; and then, like adolescents, with a sudden spurt they blossomed into

vigorous, creative, and sometimes original thinkers. A convergence of stimulating events and the rapidity of change forced upon them the need to seek new interpretations of life more in harmony with their surroundings. The consciousness of national separateness which became so marked in the fourteenth century in the leading states of Europe closed the medieval period. After the thirteenth century new problems emerged of a very different character from those which occupied the minds of the medieval thinkers. The newly organizing nation-states presented within themselves and in their mutual relations difficulties hitherto unknown; so the emphasis in political thought shifted after the thirteenth century to aspects of political philosophy different in nature from those relevant to the Middle Ages proper. The eleventh to the thirteenth centuries is thus a fairly well defined period; but the division is not absolute and can only be taken as a very general and somewhat artificial one.

The main concern of political thinkers within this period was the administrative system. The eleventh century marked the end of the invasions of Europe by the barbarians; and the inhabitants having settled into their new homes, began to make efforts to reorganize themselves and establish efficient governments. The Norsemen in France, England and Southern Italy were geniuses at organization, whilst in Germany a long almost unbroken line of determined emperors revived the efforts to create an efficiently run empire extending from Germany southward over Italy.

Within the church the religious revival of the eleventh century gave further impetus to this already prevalent urge. Beginning within the Abbey of Cluny, an earnest and vigorous movement to reform the monastic orders of the church seized upon the religious. Reform resulted in the creation of new orders. The religious fervour which activated the new orders resulted in the rapid spread throughout Europe of these new communities of men and women who sought a sterner discipline than they found in secular life. Discipline and hence the need for order was the keynote of the monastic movement. Outside the monasteries the ecclesiastical system was also affected by the prevalent desire to organize and settle into orderly life. So the great reforming popes of the medieval period urged new restrictions upon the bishops of the various states and carried on a copious corre-

spondence over these many points of administrative detail. From these papal decretals and the episcopal visitational records can be deduced the main problems which interested the ecclesiastics.

Meanwhile, in Italy and France the new law schools sprang up in the eleventh century and reintroduced to Europe at a critical moment the systems of law which had made the Roman empire famous. In these schools statesmen and churchmen were educated in the art of administration and jurisprudence to fit them for the responsibilities thrust upon them by the all-pervading desire to establish good government throughout Europe.

Everywhere then experiments in administration and the difficulties arising therefrom were the main concern of kings, emperors and ecclesiastical potentates. A clash was inevitable between these rival claimants to govern the various portions of European territory. The main lines of division came between the spiritual and temporal powers: the organizing nation-state on the one hand and the fervent religious orders supported by the zealous ecclesiastics on the other. Hence political speculation in the Middle Ages was approached invariably from two different points of view, though both were concerned with the same problem of administration. The church saw one aspect of the administrative machinery, informed by its own peculiar problem of maintaining discipline within its vast mass of monasteries and the normal ecclesiastical system of priests; whilst the state in the person of kings and emperors saw another aspect, concerned with maintaining its position against the encroachments of the longer established church, and with unifying the forms of government necessary to make its authority effective within its boundaries. Medieval speculation subdivided itself into the two groups who approached the political problems of the day from very diverse angles. Both were concerned with administration as their central interest; but the motives activating them differed, and the actual particular administrative difficulties differed in accordance with the difference between the secular and ecclesiastical organizations.

The centralizing efforts of church and state alike were hindered and complicated by the decentralizing force of feudalism. The continual invasions of barbarians had left their mark on the structure of European society. The whole affected area had split up into

innumerable self-contained units, prone by their nature to further disintegration. Feudal lords claimed the right to administer the custom of their territories for dependants sworn to obedience by the most sacred oaths of fealty. Everywhere the feudal lord tended to become a petty sovereign. He dutifully supervised the administration of the custom of his land; he was duly rewarded with the profits of the fines in the courts. The feudal lords were as deeply concerned with administration as emperor, pope or king. But feudal elements only intensified the struggle over administration. They did not dominate the situation for any length of time. Feudal tendencies were an insidious influence in medieval thought, tinging the background on which was drawn the dominant conflict between the two centralizing bodies of church and state.

Two problems agitated the church profoundly during the Middle Ages. The first was the maintenance of the high standard set by the first enthusiasts of the eleventh century for the monastic orders, with adequate discipline amongst all ecclesiastics whether monks or priests; the second was to regulate the relations of the church to the state, that whilst the church maintained its independence it could yet rely on the state to enforce its discipline over laymen and ecclesiastics alike. The first problem involved the schoolmen in the whole question of moral and political obligation; the second evoked the long and bitter controversy between the empire and the papacy for which the Middle Ages is noted.

Great emphasis was placed in the eleventh century on spiritual values and the importance of a life beyond this world. This impressed contemporaries with the superiority of the church to the state. As the soul capable of eternal bliss was superior to the body confined to earthly enjoyment only, so the spiritual power must finally be recognized as the highest in this world and pointing the way to the next. Men inspired with religious zeal tended to see in this life only a means to the attainment of salvation. Every faculty of man, every power within the community, was instrumental to this single purpose.

The religious revival urged men to put into concrete form the ardent aspirations which were stirring their souls. Monastic life aimed at a withdrawal from this life in order to concentrate on the

attainment of salvation in the next. Men and women voluntarily left their crude delights and joined together to help each other follow their difficult ideal. To do this adequately the monastic zealots hedged themselves round with regulations. The basic vows were three: obedience, poverty and chastity. At first enthusiasm sufficed to maintain the standards set by the idealists. In the twelfth century monastic life flowed along fairly smoothly. Monks and nuns entered the new institutions eagerly and expectantly. The more difficult the vows, the more eager were the devotees to achieve success in performing their arduous tasks.

Speculation amongst the schoolmen was much influenced by this easy accomplishment within the monasteries. The need for organization was hardly felt; the schoolmen rejected the idea that the state had any valid function to perform. The theory of the two swords, maintained during the period when the church relied on the state to help and support it in the performance of its functions, was no longer relevant to men who saw the church accomplishing its task through enthusiasm alone, without any need of the pressure of force from without. In the fierce enthusiasm of the early religious revival the state was completely swallowed up by the church; the church contained all that men needed for this life and the next. All life was dominated by religion, the church alone sufficed. Where they recognized that the state still functioned, the thinkers of the twelfth century saw in it an institution necessary only because there were still left men too evil to be touched by the ardours of religious enthusiasm and to be bound willingly and whole-heartedly by the laws of God. These recalcitrant members of society required restraint, and the function of the state was to restrain such men; but in ideal conditions it would no longer be necessary. Wherever an ecclesiastic was blinded by the enthusiasm which flamed in the church, there the necessity for the state was entirely disregarded. Gregory VII went so far as to assert emphatically that the power of princes was satanic in origin, and arose merely from the lust for domination inherent in evil men. At the height of the religious revival the state was completely eclipsed by the glory of the church.

But the crest of religious zeal began to break by the end of the twelfth century. Monasteries which had first been founded by

enthusiasts and were composed of members voluntarily forsaking the delights of secular life for an austere ideal, had become in the course of a hundred years retreats from hardship and more desirable abodes than secular dwellings. By the thirteenth century monasteries seemed to be gradually becoming more like clubs than religious retreats. This was largely due to the vast increase in their property. So lavish had been the gifts of the religiously stirred people in the early days of foundation that the very men who had taken the vow of poverty as an essential part of their equipment for the pursuit of salvation found themselves increasingly burdened with the trammels of wealth.

The effect on monastic organization was great. The increased luxury of the monasteries attracted to the religious life men whose aim was no longer to live an austere sternly-disciplined life. The vows of the early members became to the new members ever more difficult to obey. The bonds of obedience, poverty and chastity were a continual irritation to the mass of monks who were no longer supported by fervent religious zeal. The more serious thinkers amongst the schoolmen found themselves concerned primarily with two questions: what was the nature of obedience: was it voluntary, or must authority have force behind it and gain obedience through fear? what was the nature and purpose of property? In short the general problems of moral and political obedience and the nature of property presented themselves as vital practical issues to the schoolmen of the thirteenth century. Around these two themes speculation circled.

The clearest and most profound exposition of the nature of moral and political obligation was given in the thirteenth century by Thomas Aquinas in his work *Summa Theologica*. Aquinas was not concerned with specific difficulties; rather he set himself the task of comprehending into one system the varied phenomena of life around him. He strove to explain in far-reaching philosophic terms the medieval dictum '*Omnis multitudo derivatur ab uno et ad unum reducitur*'. Incidentally he elaborated a conception of political obligation and threw out suggestions about the state and the nature of property.

Aquinas' conception of political obligation was based to a large

extent upon some of the Teutonic notions which had survived in the structure of the society about him. Custom to the early invaders had the binding force of law. It was law in so far as they gave that term meaning. They had no conception of the Roman idea of law as the will of the community, nor the Christian idea of the will of God. Custom was handed down from time immemorial, sanctioned perhaps in the dim past by the gods, essentially inflexible, immutable. An all-powerful authority to enforce it was unnecessary. It carried its own sense of obligation as the tested experience of past generations sanctified by the mists of antiquity. The codes drawn up in the impact with the Romans were issued as lists of customs. They were promulgated and did not receive the force of law until the people recognized them. There was no suggestion that the rulers were attempting to make law. Law-making power did not pertain to man; the rules which bound him were ready to hand rigidly encased in well-known customs recognized by all. Recognition was an essential element in law. Throughout the Middle Ages no ruler dared arbitrarily enforce his command; all orders had to come in the semblance of a fresh enunciation of custom which would not be considered binding until the people recognized their potency.

Aquinas was influenced in his views on the nature of the state and property by his study of Aristotle. For the first time in the Middle Ages the influence of the Greeks can be seen. Until then the medievalists seem to have been totally ignorant of Greek culture and thought save through garbled versions derived from the early fathers of the church. Aquinas as the son of a Neapolitan noble of royal blood became acquainted with the Arabic translations of Aristotle's works which were well known at the neighbouring court of Frederick II in Sicily, a brilliant intellectual centre during his youth. Aristotle's works made a great impression on his mind. Aquinas commented on them extensively. Through this *Commentary*, twice reinterpreted though they were, Aristotle's ideas penetrated again into the western world.

To Aquinas the problem of obedience so manifest a difficulty in monastic life involved the whole question of the nature of law, its validity and its power to induce obedience. He began his dissertation with an acute analysis of the nature of law. He conceived of the

universe as a building not yet finished whose plan was worked out in the mind of the divine architect God. As an architect planned his work, shaping it into form by certain rules, so God held the conception of the universe in his mind, shaped and formed by a system of eternal law. This eternal law continually manifested itself in the universe as it evolved towards the perfection set it by God; but in its entirety the eternal law remained within the mind of God and was ultimately incomprehensible to the finite mind of man. Yet, that man might follow out the divine will of God and be knit into the pattern of creation, he had been given the faculty to recognize the eternal law, glimpses of which were vouchsafed to him. Natural law was written in his heart to guide him through the agency of his reason to recognize and obey the greater law. This inward knowledge of what did or did not accord with eternal law formed the norm by which man judged what he ought or ought not to do. His reason helped him to rationalize this innate knowledge of good and evil into certain general principles. These general principles formed the body of natural law. They were the light by which man was led to fulfil the divine plan in accordance with the eternal law.

The next step in Aquinas' argument brought him to the fundamental problem of political obligation. Eternal law was hidden in the mind of God; natural law was hidden in the consciences of men; what relation did the chaotic mass of rules and regulation, customs and commands, which formed the actual fabric of the governmental machines, bear to these two closely linked systems? Why should a man obey the various orders given him by a so-called superior? Were there any superiors who had this right to command obedience? How was an individual to know that the detailed commands issued to him were in strict accord with the divine plan? These were the difficulties present in Aquinas' mind which he strove to answer in his disquisition on human laws. These were the questions agitating the minds of practical churchmen who were eager to maintain discipline over monks and priests. Unless their orders were recognized as binding in some sense the difficulty of enforcing them would be almost insurmountable, as the measure of force requisite for such a task was not forthcoming in the Middle Ages with its loose system of administration and its lack of police and military organization. A

sense of moral obligation was an essential factor in the maintenance of discipline in the church.

Aquinas sought to develop the sense of obligation by linking up human law with the eternal and natural laws in an intimate and elaborate system. He asserted that man could never make laws; all he could do was to recognize that any command was in accordance with the principles of natural law already known to him, and the moment he perceived this he was bound to obey the command. For he was bound by his very nature to fulfil the eternal plan of God outside which nothing could exist; this plan was partially known to him through natural law; human law was merely a recognition in concrete particular terms of this law already planted in his heart by God. Man did not create his obligation to obey, it was an innate part of his being. Aquinas insisted that when human law and natural law were in accord the obligation to obey was not created: it was merely defined. No human authority could ever draw up a law inconsistent with natural law. If a human authority promulgated such a law then that authority had no right to insist on obedience; and the individual could disobey with moral impunity. Any enforcement of such a law would be an act of tyranny utterly unjustifiable by any law worthy of the name. The Teutonic custom of regarding the validity of law as dependent on recognition and consent was transmuted by Aquinas into a part of a philosophic system comprehending the whole universe. Human law must be in accordance with natural law which might be regarded as the general principles lying behind accepted customs; it must be rational in that it must be linked up with the general scheme of life; it must be possible as the obligation to obey implied the ability to do so; it must be, above all, acceptable to the individual conscience which was the final judge of its validity in accordance with the principles of natural law. Political obedience was linked up into a general system of moral obligation of the most stringent order.

Over and above human law, Aquinas believed there was a fourth type of law which consisted of direct revelation of God's purpose to man without the intermediary of his knowledge of natural law. This was called divine law and consisted of the bible and any direct visions to saints.

By natural, human and divine law, man was made to participate in

the general plan of the universe; this participation involved the grave responsibility of obedience to all these forms of law once tested by the individual conscience.

Political obligation in Aquinas' scheme as with the rest of the schoolmen rested upon a sense of moral responsibility which was essentially informed by theology. The validity of his argument depended on the acceptance of his first premise that the world was created and sustained by God whose laws upheld the whole universe. In an age of faith no argument could have been more impelling: for centuries none dared reject the authority of human law without impinging upon the majesty of the Deity; nor question the creed of the church without being accused of disparaging human laws. Aquinas gathered together in a coherent whole the disjointed statements on law with which he and his contemporaries were familiar through their knowledge of Roman law as it was incorporated in the canon law of the church or taught in its original form in the law schools. He constructed a philosophy from the fragmentary — often inconsistent — remarks of the early Christian fathers. In the realm of law Aquinas had achieved a synthesis of cogent simplicity.

On the subject of property Aquinas had little to say that was not already accepted commonplaces in the church. The medieval schoolmen repeated with slight variations and with only one important change of emphasis the views on property already enunciated by St. Augustine and the earlier Christians. The significance of the schoolmen's attitude to property lay in the fact that by the thirteenth century the ecclesiastics held a considerable proportion of the property of Europe; the views of such great landowners were necessarily important and could not be lightly ignored. They reiterated that property in general was a gift from God to man. In consideration of its origin it must be used with a sense of responsibility towards the giver. There was no conception parallel to the Romans that the right to private property was absolute. But the schoolmen felt that this was an insufficient justification of their holding so much property in contradiction to the accepted belief that the man of God must ignore the vanities of this world. They revived the suggestion made by St. Augustine that only the righteous were worthy to distribute the wealth of the common stock. Since property was a responsibility

given to man by God, what better trustees could there be for the fruits of the world than the religious? By a clever application of the general statement made by St. Augustine the schoolmen justified their wealth, and reconciled their accumulation of property with the monastic vow of poverty. They were implying that only the church ultimately had a right to distribute property. Only through the hands of the ecclesiastics could the common stock of goods be properly administered; only they were the appropriate trustees of the gift of God to man. This was the significant implication in the medieval schoolmen's statements. It accorded well with their belief in the domination of the spiritual power.

Aquinas accepted these views with a further illustration of their significance. He asserted with his fellow schoolmen that no man should have more than sufficient to fulfil his need. As they, so he did not define a man's need. But he added should one man be in need, another could take of the abundance of a third and assuage the need of the first without having abrogated any right of the third party. Aquinas was extending the theory that all property existed for the benefit of the community as a whole in a way which might alarm any holder of much property. Aquinas' views on this point were not general. The legends surrounding St. Francis of Assisi's memory indicate that the practice of such principles created a stir and sometimes drew down the wrath of the ecclesiastical authorities on the saint's generosity. It was too much of a criticism of the rest of the ecclesiastics to be encouraged.

Aquinas repeated Aristotle's dictum that usury was a barren form of money-making, and as such was unnatural and hence unjustifiable. It was against God's will that men should make money for the sake of making it with no other end in view than the enriching of themselves at the expense of their fellows. The church in its role of guardian of the poor must fulfil their needs from the common stock by charity, and see to it that the poor were not fleeced of their few necessities by the trader out for personal profit. Thus the great philosopher of the church reinforced Aristotle's condemnation of usury with Christian ethics.

Contemporary modes of borrowing justified Aquinas' censure. The term usury was applied to all money loaned out for interest. It

embraced indiscriminately money lent as today to encourage enterprise, and the universally condemned system prevalent in the Middle Ages of small amounts lent to those who had fallen on hard times who in most cases would not be able to repay their loans. The interest charged in such cases was exorbitant, as the lender knew how small his chances were of repayment. The borrower living thus on his capital eventually found himself ruined and in the hands of his creditors. He had sold himself into subservience. Aquinas seized on Aristotle's vigorous condemnation of usury to strengthen his own objection to a pernicious system. His repetition of Aristotle's ideas on usury became incorporated into the medieval church's conception of property and reinforced its insistence that property was a trust not lightly to be thrown aside in the scramble for personal wealth. This conception of usury had little effect on the large-scale trading activities of the medieval period. Its influence was felt on a narrower scale. The church used it as a justification to warrant her interference in cases where small men were crippled by the exorbitant demands of interest from wealthier men. The church acted as the protector of the small man. Again the church was regarding herself as the legitimate distributor of the wealth of the world.

The enforcement of discipline raised the more general question of the authority and extent of the courts where this discipline was put into execution. This problem was common to the monasteries as to the whole ecclesiastical organization. It was another aspect of the difficulty of assigning to property its proper place in society. For within these courts the administration of discipline involved the deprivation of property from the offender through fines or other penalties. The right of the church to interfere with property was much in question. The powers of her courts and their relation to the other courts of law were the basis of the great controversy of the Middle Ages: the conflict between the empire and the papacy.

It was comparatively simple to assert that the church should have complete control over the actions of her immediate servants; that all clerics were under the law of the church and had bound themselves in their initiation vows to obey its authority; that therefore the church had every right to censure and penalize recalcitrant ecclesiastics. It was not so easy to determine the type of punishment which the church

had the right to exercise. It was supremely difficult and almost impossible to decide how far the church ought to exercise discipline over the much larger number of laymen, who as members of the church came under its authority in some very real yet undefined sense.

The actual position of the church courts in the medieval system of organization obscured these problems. In the early barbaric period when the Roman empire gradually disintegrated before the onslaught of the new settlers, the courts held by the bishops and such loose administration as existed were bound together entirely by the efforts of the church. Whenever any barbarian ruler sought to emulate the Roman ideal, he immediately turned to the church in order to cajole or capture by force this organization which was the best and most efficient known to the time. From the reign of Charlemagne onwards throughout the Middle Ages every ruler intent on better organization of his domain sought to establish an intimate relation with the head of the church, thereby hoping to obtain control over the ecclesiastical courts which honeycombed his dominions, and not only were centres of purely ecclesiastical discipline, but were often the only places where any kind of justice was administered. By the eleventh century in many countries in Europe the church courts administered justice to ecclesiastics and laymen alike; it was clearly recognized that all cases concerned with marriage, legitimacy and wills, together with the important subject of the validity of oaths which had far-reaching political effects in a feudal society bound together by oaths of fealty, were subjects exclusively under ecclesiastical control. No wonder then that the Capets of France and the Saxon house of Germany realized in consolidating their kingdoms that the appointments of bishops who were supreme in these courts was the key to controlling a large area of law and order.

The competition between church and state was in abeyance whilst law and order were only semi-established in the Dark Ages. So long as the peoples of Europe were faced with constant danger from invasions in the centuries preceeding the eleventh century, so long no one had the time or energy to inquire whether a bishop of a district was trying cases which lay purely within ecclesiastical law or were purely civil and dealing with secular matters. Moreover, the law itself was

not clearly divided into two groups. It was uncodified and becoming increasingly confused. The inhabitants of a district were content to know that somewhere, amidst the uncertainty and insecurity of the times, they could obtain a measure of justice. They were not concerned in such troublous times with the exact nature of the authority presiding over the court, or the law administered therein.

The progress of law and order begun in the eleventh century and rapidly pressed forward in the twelfth and thirteenth centuries made the clash between church and state inevitable. The gradual stabilizing of conditions in the eleventh, the codification of canon law in the twelfth, the great development of civil case law in the thirteenth centuries, brought the anomalous position of the mixed courts of law increasingly into question. Wherever the secular power was establishing order, friction was bound to arise over these courts whose authority was so undefined that it seemed in a fair way to be limitless. First in France and then in Germany the secular power came into sharp collision with the church over this rivalry for control of the administration of law throughout identical areas. Both powers had precedent on their side for claims to administer the same districts in a slovenly and careless fashion. If administration was to be efficient it was essential that either the church or the state must control all the courts of law within the administrative areas. It was impossible for the two authorities to exist side by side without much confusion; laws were being codified on all sides during the twelfth and thirteenth centuries. It was the period for the removal of confusions. The struggle between the establishment of a purely ecclesiastical system or a purely secular, between a theocracy and the state, dominated the Middle Ages. The state after centuries of effort finally emerged triumphant, but the church had a temporary success.

The investiture controversy in which the kings of Europe repeatedly attempted to obtain control over the appointments of the bishops of the ecclesiastical courts was part of this general problem of delimiting the spheres of the spiritual and temporal powers. A specific aspect of this was the position of the pope in relation to the other monarchs of Europe: whether he as representative of the spiritual power was above all princes; or whether the princes could claim that he as a mere bishop was under the control of whatever secular prince

was giving him support against the encroachments of the Italian feudal magnates.

The theoretical issues arising from this situation were fundamental. The medieval schoolmen were concerned to extricate the spiritual power from any secular hindrances and establish its authority on a basis impregnable to their contemporaries. They were forced to develop some conception of the nature of the church and the part it was called upon to play in the social structure. They could not neglect to define the nature of their rival the state, and to determine the subordinate functions they relegated to it. Whenever the controversy waxed furious the authority of the state was most decried and the supremacy of the church most exalted. Despite the incidents of controversy, throughout the period of constructive thought over these issues there can be seen certain stable conceptions of the nature of the church and its relation to the state. In this attempt to disentangle these closely interwoven authorities the schoolmen postulated a conception of a European state based on international law and an international system of justice arising from their own claims to absolute supremacy.

The inefficacy of purely ecclesiastical discipline over churchmen and laymen alike in the thirteenth century made the schoolmen realize that force of some sort was necessary in the machinery of government. When a clerk was tried in the ecclesiastical courts for a crime against the community rather than the church, such as stealing, the church courts had the power to punish by ecclesiastical penalties; but surely a crime which injured the community at large ought to be penalized by civil as well as spiritual disabilities? Surely the criminal ought to be punished by the state as well as the church; and the case to be taken over into the secular courts? But the church whilst wishing to obtain the help of the state to make its sentence effective against the criminal, was not willing to allow its clerk (whose position was privileged by being in the sacred orders of holy church) to be abandoned without protection to the state which was nothing but a body of worldly men ignorant of God's holy will. Similarly when a layman had offended against the law of the church and was judged in the church courts, would ecclesiastical penalties be sufficient to make the sinner feel his guilt; surely the spiritual censure should be accom-

panied by some material deprivation which would bring home to the sinner the weight of his offence? But had the church who claimed to wield only the power of the spiritual sword, to persuade by eloquence, and to penalize by deprivation of heavenly joys, the right to inflict these material penalties; would it not be more dignified to leave these lower penalties to a subordinate, to relegate to the state the unpleasant duty of executing the sentences declared in the ecclesiastical courts? In theorizing on this situation which was a matter of daily occurrence, the schoolmen declared that the church was given authority by God to promote true religion in the world. The promotion of true religion involved the suppression of evil-doers. Spiritual penalties were not sufficient to bend these evil-doers to the law of God, so God had ordained that the state should exist in order to force men to do the will of the church. The state then was essentially subordinate to the church and was merely instrumental to its will. The church on the other hand was the depository on earth of the law of God; she was God's trustee for carrying out this great design. To her head, the pope, belonged all power and authority over men. The pope was Christ's vicar upon earth holding the keys of heaven. He could excommunicate recalcitrant men whether princes or subjects who offended against the church's laws which were the replica of God's law; in excommunication he could jeopardize their chances of eternal salvation.

By linking up human law so intimately with eternal law, the schoolmen brought the whole legal systems of earthly governments into line with the eternal plan; and in so doing made the decisions in the ecclesiastical courts matters of eternal moment. In this scheme all secular princes as servants of mother church were in equal subordination to the pope. Christendom was conceived as a unity, as the mystical body of Christ whose members were bound together by one law of God, by one system of justice administered by the church, aided by the secular princes.

The best form of government for this state comprising the whole of the then known world seemed to the schoolmen to be a hierarchy patterned on the heavenly hierarchy of angels. The higher the position in this system the nearer to God and the greater the authority possessed. The pope on earth was supreme, then came his servants

the emperor and the princes (both spiritual and temporal), then the various lesser princes ranged in accordance with the ranks of birth already determined by the feudal rules, each possessing a lessening extent of authority over his inferior whilst maintaining his own duty of obedience to his superior; until finally came the serf whose only function was obedience. The whole of society was rigidly divided into a caste system based on a series of duties and rights which were the outcome of feudal ideas informed by Christian theology.

Aquinas alone of all the schoolmen maintained that the state had a basis of its own apart from the church. Influenced by his study of Aristotle he considered that the state was not merely the shadow of the church. He saw in the state a body created to help the church not by blindly following out its commands, but by establishing peace as a necessary preliminary to the pursuit of salvation. A minimum of law and order was essential before men could concentrate on eternal life. This minimum must be established by the state; in the performance of this function the state, he asserted, was independent of the church. The chief function of the state to Aquinas was a negative one: it released men from the cares of a hand-to-mouth existence in order to give them leisure for contemplation of higher things. In a very narrow sphere the state was master of its own actions.

By the thirteenth century the medieval synthesis amongst the schoolmen had attained its final development. In the works of Aquinas; in the letters of protesting popes to erring and self-opinionated emperors and princes; in the law-books of careful canon-lawyers who from the twelfth century onwards were occupied with the task of codifying the chaotic mass of ecclesiastical law; in these and other contemporary literature can be seen the firm conviction that God pervaded and dominated the life of man; that the soul was as superior to the body as the sun to the moon; that the church as the guardian of God's law was supreme in authority over all men and must bring them eventually to eternal salvation. Christendom was a mighty and vital living society, was indeed the only society, comprehending within itself in the person of tne church all that was necessary to the welfare of man's soul and body. 'All things come from God, and to God must return.'

CHAPTER VI

THE SECULAR REACTION

THE beginning of the fourteenth century was marked by a violent reaction against the church's claims to omnipotence. Many men were eager to check the extravagant claims to absolute sovereignty made by the papacy on its own behalf. They concentrated on developing a rival concept of society which was essentially secular. The controversy between church and state had entered upon a new phase. The state and not the church focused all attention. So urgent were the circumstances, so energetic the minds engaged on the problems, that in a short forty years the secular apologists formulated an elaborate concept of the state in which its former dependence on the church was totally abolished. Many causes contributed to this growth of anti-clerical feeling and its corollary, the exaltation of the secular power.

The glaring contrast between the ideals of the church and its actual condition brought it into bad repute everywhere. This continual source of irritation and criticism fostered contempt of the church from the thirteenth century onwards. The church sworn to poverty was nevertheless in possession of great wealth. The ecclesiastics maintained that this property was used for the benefit of the poor. In point of fact, as was well known, it was mainly used for the benefit of the clergy themselves, who were continually accused of being grasping and selfish. The charge of simony was universal; it applied to holders of all offices, high or low. Dubois writing at the beginning of the fourteenth century cited with condemnation the custom in Bourgogne of the sons of noblemen becoming monks in order to obtain the revenues of priories which were a great source of wealth. The many attacks against the wealth of the clergy repeatedly formulated in the English Parliament in the fourteenth century were indicative of the attitude of the English. The support Philip IV received throughout France in his brutal attack on the Templars was similarly indicative. All agreed that the clerical misuse of wealth forfeited the claims of the church to be the best guardian on earth of its common fruits.

The inability of the ecclesiastical authorities to maintain a high standard in the personal lives of the clergy made matters worse. Envy of the Church's wealth and a very real disgust at the hypocrisy of the clergy and their lax observance of their ideals combined to give the attack on the clergy a certain bitterness and an air of righteous indignation. Many of the writers of this period grieved at such a falling away, and almost always suggested the deprivation of the clergy of their property and its better distribution amongst the laity. If the church was failing, who should succeed to this task of guardian of property and the regulation amongst men of all questions touching the mundane affairs of this life?

The rulers and supporters of the secular state at the beginning of the fourteenth century felt this was their particular function and a task with which they were specially competent to deal. The emperors had always been hampered in their opposition to the papacy by the sprawling extent of their dominions. The emperors were neither German kings nor Italian potentates but had tried to combine both in their single persons. The popes had thus been at an advantage throughout their struggle with them. But the death of Frederick II put an end to this superiority. The papacy was weakened by its struggle with the emperors, whilst the length of the struggle had given the new kings of Europe much needed time to proceed with the consolidation of their kingdoms unhampered by either papal or imperial interference.

When the pope by a change of circumstance found himself in opposition to the French king he was face to face with a ruler whose power was not to be despised. The royal authority had momentarily been extended unchecked throughout the compact kingdom of France and the king chafed resentfully at the presence of a jurisdiction in his kingdom which prevented the final establishment of his absolute sovereignty. Philip IV was the strongest king in Europe. His lawyers were tightening up the legal system of France. Imbued with Roman legal theory they looked upon the king as the supreme lawgiver in his kingdom. At such a moment Boniface VIII arrogantly promulgated against the French king bulls which repeated in exaggerated terms all the claims to supremacy which the popes had made against their weaker rivals, the emperors. The pope declared that the clergy were

not to pay taxes to the state, nor had princes the right to tax the clergy; that the pope as supreme ruler on earth had the law hidden in his heart and that all princes and kings were subservient to him and only held their office at his discretion. The pope was claiming for the clergy absolute immunity from taxation and all processes of law. He reiterated the schoolmen's theory that the church was entirely independent, and further, with greater emphasis, was superior to the state. Such a claim made at such a time was bound to raise a storm of opposition. The royal jurisdiction and authority was attacked at its very foundation.

France was not alone in her protests. The position of Henry III of England during the thirteenth century had left little doubt in the minds of the English as to what meaning the pope attached to these claims. During that period the pope had reduced the English king to a position of subservience, and had involved him in disputes with his barons. The pope had looked upon the English church as a source of revenue and its best benefices as fit rewards for his favourites. The church in England with its revenues and its courts of law must be under papal control and brook no interference from royal authority however much English lawyers were anxious to extend royal jurisdiction until the king alone presided over the juristic system of the country. The old conflict over jurisdiction was revived more bitterly between the new and strongly constructed kingdoms of France and England and the decaying fabric of the church.

The rise of strong kingdoms and a chance redistribution of political power in Italy precipitated the struggle between church and state into a new phase. Hitherto the papacy had been opposed by a rival whose claims to power extended even further back than its own. The position of emperor in relation to the early Christian church was an integral part of Christian thought, woven into the very fabric of Christian political speculation. The office of emperor had existed indeed before that of pope. The apologists of the emperor were in a strong position traditionally in their refusal to acknowledge papal supremacy. The empire was based on as firm foundation theoretically as the papacy. At the height of the empire-papacy controversy of the twelfth and thirteenth centuries the imperialists relied in their arguments on the theory of the two swords. They maintained a clear

distinction existed between spiritual and temporal matters, and that the emperor in his visible empire had complete and independent control over temporal matters. They denied that the spiritual power had any right to interfere in temporal matters; they further invested the emperor with absolute powers taken wholesale from the Roman tradition of imperial sovereignty. Pope and emperor were claiming identical powers over the same type of body politic. The struggle between them was an almost personal rivalry for the same post.

The death of Frederick II in 1250 closed the long struggle between the two outstanding protagonists in this essentially medieval conflict; it changed its entire character. The papacy ceased from that time to be primarily concerned with the attitude of the German emperor. The death of Frederick II had effectively removed imperial influence from the pope's near neighbour, the kingdom of Naples. An Angevin prince was established there instead. The pope immediately became vitally interested in French rather than German politics. He had as his opponent a king of a single strong kingdom, not the emperor of a universal but scattered empire. The advocates of the secular power in the conflict between Boniface VIII and Philip IV had to justify the position and authority of a king of a single kingdom with no particular tradition to uphold him in his place. What was said of one king was true of any other. There were many kings in Europe. The arguments which justified Philip IV against the pope were valid on behalf of any secular kingdom against the spiritual power. The secular apologists were faced with the possibility of complete political disintegration in Europe if they upheld the rights of the secular state as such, unless they followed the traditional arguments and elevated their kings to the position of an emperor. They could avoid in this way alone the advocacy of a disunited Europe composed of sovereign independent kingdoms recognizing no authority superior to their own. The latter conception was one of chaos to the medieval mind. Most of the apologists of the secular state rejected it and clung tenaciously for another two centuries to the ideal of a European state. The failure of the conciliar movement gave the final blow to this hope; political thinkers perforce had to abandon their ideal of internationalism. Meanwhile, the exigencies of the situation at the beginning of the fourteenth century forced the secular apologists to withdraw in their arguments to

some extent from the traditional position of the imperial authority. No king could boldly claim imperial power whilst still unelected to the empire without causing friction with the actual holder of that office. The apologists of the kingdoms were forced to seek other arguments apart from imperial tradition to justify the new situation which had arisen. The nature of the controversy had changed with the change in the protagonists. The struggle developed from a rivalry between two persons for supreme control over the one organization, Christendom, into a conflict between the papacy increasingly regarded as an Italian or French power, and the separate organizations of newly arisen kingdoms. The secular state, forced to emerge from the protection of the imperial tradition, was analysed afresh on a basis of its own disconnected with Christian theology.

Belief in the necessity for a universal church was further sapped by suspicions of another kind engendered by the growing hatred of the increasing wealth of the church. Many writers of the time held the church responsible for the continual warfare which distracted kingdoms and city-states alike. They asserted that the church's greed for power and added wealth led her to interfere in the internal affairs of secular states to the increasing detriment of the peace of Europe. The maintenance of universal peace, they reiterated, was the main justification of such extensive power as was claimed by the head of Christendom. Of what use was the church if instead of peace it stimulated war? The source of this friction, they maintained, was the vast property of the ecclesiastics, diverting them from their spiritual and elevating functions to concentrate on the extension and preservation of their worldly properties. Once strip the church of her possessions and peace in Europe might eventually be established on firm foundations. The increasing conflict in Europe especially between the Italian city-states made the necessity for peace ever greater. *Tranquilitas*, the end suggested by Aquinas for the state as a means to achieving the highest life of spiritual contemplation, loomed ever larger in the eyes of such men as Dante, Dubois and Marsilius of Padua. It seemed the supreme necessity and the primary goal of any effective organization. But *tranquilitas* could not be obtained so long as the arch-disturber, the church, revelled in irresponsible possession of vast wealth. The church was regarded as the destroyer not the

promoter of peace. Distrust of the church and disappointment in its failure to maintain peace discredited the ideals with which it had so long dominated society. A new end was conceived as the most desirable for social effort; peace not salvation was to be the goal of human organization.

The intellectual development of the late thirteenth and early fourteenth centuries drove men still further away from the theological concepts of the medieval schoolmen. The study of Roman law continued unabated; but its position of pre-eminence was challenged in Paris, Bologna and Padua by new subjects. The recovery of Greek thought through the medium of Arabic translation did much to divorce scholars from their previous pre-occupation with theology. New unexplored realms of speculation opened up to the medieval thinkers hitherto confined to interpret life in terms of theology alone. Philosophy, ethics, politics, medicine, were all treated by the Greeks as interesting in themselves, and were not studied with the ulterior motive of conforming them eventually to a set pattern. The school of Paris quickly accepted an important distinction made between philosophy and theology. The pursuit of truth and the thirst for righteousness were no longer automatically regarded as identical. Truth and God were not synonyms.

The release in intellectual life from the cramping bonds of theological doctrines was further promoted by the spread of intellectual scepticism. The original impetus came from the Sicilian court of Frederick II. Normans, Arabs, Mohammedans, Christians, atheists, men of every race and religion had gathered there in the first half of the thirteenth century to discuss and dispute with complete freedom on theology, philosophy, art, medicine and other sciences, anything in fact which their varied experiences dictated as worthy of intellectual exchange. The familiarity of the Arab members with Greek thought introduced in a stimulating form the criterions of value of an ancient civilization. An atmosphere of critical inquiry towards their own modes of life and thought was engendered amongst the westerners. It did not melt away with the death of Frederick; but flowed upwards from the south; penetrated the north Italian universities; passed onwards to Paris where it settled and imbued new students with a desire to question the fundamentals of their faith in a

way distressing to the ecclesiastical authorities in command of the pedagogic staff.

Chief amongst the group who approached knowledge by inquiry rather than by faith was Sigier of Brabant, a contemporary of Roger Bacon and Aquinas. Aquinas kept to the old approach to knowledge whilst adopting the subject matter newly presented to him. He was pre-eminently a theologian. But Sigier and Bacon broke away and became complete sceptics in their attitude, believing in the desirability and necessity of trusting to experiment rather than accepted formulae as the starting point of the quest for knowledge. Both men were experimenters in technique, the one in philosophy and logic, the other in physics and other scientific subjects. Scepticism was almost their faith.

Sigier was the accepted leader of the sceptical revolters. Pierre Dubois came to Paris as a student to study law at the height of Sigier's fame when too Aquinas the great authority on law was still there. Later Marsilius came to the University of Paris to study medicine and physics, the subjects of Baconian interest. He was drawn into the circle of sceptics where John of Jandun was also making a name for himself. Dante, though it is doubtful whether he ever came to Paris, studied at Bologna where Aquinas's work on Aristotle was made known to the public at the end of the thirteenth century. Dante showed an intimate acquaintance with this. His acceptance of the division between philosophy and theology revealed his acquaintance with the Paris courses of study; his sympathy with the sceptics was apparent in his placing Sigier in Paradise as the fourth representative of philosophy in company with the great churchmen Aquinas, Bonaventura and Bernard.

The growth of scepticism, the rejection of the schoolmen's methods of thought and their very premises, the recovery of Greek conceptions however mauled by translation, came at the very moment when the position of the secular state demanded a justification of its action on non-theological grounds. Philip IV was opposing the divine authority of the pope with the mundane kingdom of France; let the mundane kingdom of France be justified on mundane pagan grounds. The growing disgust with the church strengthened this attitude. But the time was not quite ripe for such a complete break with contemporary

religious assumptions. Only Marsilius of Padua dared be so bold as to defend the secular state on blatantly mundane grounds.

Dante's *De Monarchia*, though written a few years later than Dubois' *Recovery of the Holy Land*, belongs by its attitude and content to the end of the imperial-papal controversy rather than to the new type of opposition to the pope on purely secular grounds. Its treatment therefore should come before Dubois' work. It is a complex production containing elements of both the old and new phases of the conflicts with the church. It belongs as much to the imperialists of the thirteenth century as to the secularists of the fourteenth.

Dante's main concern was to discover how to achieve unity and peace for the distracted city-states of North Italy. His immediate problem was somewhat similar to Aristotle's by whom he was greatly influenced. The Italian city-states resembled the Greek in their faction fights, artistic interests and arrogant independence. But Dante's solution to their difficulties was conditioned by a very different environment from Aristotle's. His political ideas were gleaned from the many systems of thought which had developed since the fourth century B.C. He produced a curious hybrid of Christian Roman and Greek conceptions resulting in the postulation of a world state to meet the peculiar needs of fourteenth-century Italy.

Dante's practical experience of Florentine politics prejudiced him against the church and coloured his political theory. His term of office as a member of the Signory, the supreme executive of the Florentine state, had been cut short by the fall of his party, the anti-clerical faction. Dante attributed this turn of fortune, his subsequent exile, and the continued intestinal faction fights of Florence, to papal interference. He had high hopes that papal influence would be exterminated when the emperor Henry VII invaded Italy in 1310. But the Florentines rejected imperial rule in favour of their own independence despite its manifold disadvantages. Dante was bitterly disappointed. His chagrin increased when the papacy moved to Avignon and lost its Italian setting under the shadow of the French monarchy. The folly of the Florentines in refusing their opportunity to get rid of papal control, the fear of further laceration of Italian pride by a French pope, urged Dante to violent protests. He wrote

his *De Monarchia* about 1310-13 to show the need and to urge the acceptance of a single monarchy for all Europe. He was determined to strip the pope of all temporal power and petty states of their right to independence which were alike detrimental to the peace and prosperity of his beloved city.

The starting point of Dante's political thought is found in his general philosophy. He repeated Aristotle's definition of the nature of man. Man was a sociable being. He was not, as the schoolmen held, an isolated individual primarily concerned with his own salvation for which he was dependent on God alone. 'No man was able to obtain felicity by himself without the aid of many, inasmuch as he needs many things which no one is able to provide alone.' This material sociability was further strengthened by the necessity of co-operation amongst mankind in order to fulfil their common destiny. Dante asserted that the goal of all human civilization was the realization of the whole potentiality of human intellect (whatever that might mean). The 'felicity' for which men worked together was defined as 'the virtuous exercise of our rational faculties in the active and (so far as may be on earth) in the contemplative life'. No individual or small group of men could achieve this end by themselves. The whole of mankind must move forward in a harmonious effort of sustained co-operation towards the complete realization of the whole potentiality of the human intellect. Defection of however few of the members prevented the fulfilment of the ideal. Dante concluded that all humanity belonged to one body politic over which a single authority should preside. The main function of this world state was peace. Only in quietude and security could men hope to pursue the development of their intellectual powers. Dante elaborated Aquinas's suggestion of *tranquilitas* as the basis of the state into the main theme of his *De Monarchia*. He attempted to show the best means for its establishment.

The best form of government for keeping in check the disastrous friction between states was a monarchy. Dante cited some of the hackneyed phrases from the empire-papacy controversy such as the rule of one man imitated the rule by God, whose essence was unity, in support of his choice. His more cogent and original reasons came from his belief that a universal monarch was in a peculiar position of

strength to enable him to override successfully the forces of dissension then disrupting European peace.

The inherent selfishness of the petty sovereign condemned straightway the small state itself. On Aristotelean grounds that state was bad in which the interests of a part were pursued before the welfare of the whole. The covetousness of the small ruler for greater possessions and power held a further danger. It made him always put his own ambitions first to the detriment of the liberty of his subjects and the peril of their ultimate welfare. Liberty was freedom to perform the will of God in order to attain the ultimate goal of humanity. But liberty could never flourish in a state in which the subjects were compelled to help their ruler in the achievement of his selfish ambitions to the neglect of their own prescribed end. Justice itself was contravened, for justice depended on liberty. Laws were 'the image of natural justice . . . and the observance of them is not only proved not to be slavery, but is plainly seen to be itself the highest liberty'. The welfare of the community, liberty, justice and the progress of civilization itself, was endangered by small states. Constant conflict between self-seeking rulers was the inevitable result. Peace and the attainment of the full potentiality of the human intellect were impossible under such conditions.

The universal monarch on the contrary held the key to the solution of this difficult situation. Satiated with all power, he would be free of the vice of covetousness. Satiated in all his ambitions, he would be free to seek the welfare of the whole community. The natural kindliness of his disposition unhampered by the lust for power would make him the best executor of justice, which to operate effectively must be administered by one who loved the people for whom the laws were required. Only an impartial and benign monarch could be trusted to enunciate and execute just laws truly acceptable to mankind in accordance with their ultimate aim, the development of their intellect. Only a universal monarch could be impartial and benign; only he could rise above the selfishness of the petty ruler and be free within himself of the all-pervading desire of self-aggrandizement. Such a monarch with no personal ambitions to pursue would serve the interests of the whole community. 'It is clear that although the consul, or the king, be masters of the rest as regards the *way*, yet as

regards the *end* they are servants; and the Monarch most of all, for he must assuredly be regarded as the servant of all.' Under such a rule, freedom defined as the liberty to do right, would flourish; mankind would be free to pursue its ultimate end; the omnipotent monarch elevated above conflicting selfish interests would point the way to this goal and be in a position to enforce the law by which it might be achieved. Dante aware of the potency of law as a binding factor in a state envisaged a system of universal law recognized as binding on all men, as a necessity to the achievement of their final goal. He urged the acceptance of a supreme authority in the person of the universal monarch to enforce this law and override the wills of recalcitrant members in the interests of the peace of the world. By one law, by one monarch as its sole executor set up in the image of the divine monarchy justified by practical necessity, religious conviction, and the traditions of the Roman empire, Dante hoped to eradicate from Italy, nay from all Europe and the world, the devastating scourge of war. Peace would ensue; civilization would press on to complete realization of the whole potentiality of the human intellect.

What of the papacy in the face of this universal monarchy? There was no room in secular politics for another power claiming the right to dictate to the monarch. Such dictation would destroy his authority and renew conflict. For various reasons Dante rejected the pope as suitable as the final arbiter in European politics. Chief amongst them was the conviction that the very nature of man itself gave to the spiritual power another function to perform entirely apart from the maintenance of peace. Dante returned to the theory of the separation of the powers. Man had a dual end in life which kept the temporal and spiritual spheres irrevocably separate. 'Providence has set two ends before man to be aimed at by him: the blessedness of this life which consists in the exercise of his proper power and is represented by the Earthly Paradise; and the blessedness of eternal life, which consists in the fruition of the sight of God, to which his proper power cannot ascend unless assisted by the divine light. And this blessedness is given to be understood by the Celestial Paradise. Now to these two ends man must attain by different means, for to the first we attain by the teachings of Philosophy, provided we follow them by acting in accordance with the moral and intellectual virtues; to the

second, by spiritual teachings which transcend human reason, provided we follow them by acting according to the theological virtues — to wit, faith, hope and charity. Now although these ends and means are made plain to us, the one by human reason (which the philosophers have wholly brought to our knowledge), the other by the Holy Ghost (who hath revealed the truth that is beyond our nature, but yet needful to us, by means of the Prophets and sacred writers, and by Jesus Christ, the Son of God, co-eternal with the Holy Ghost, and by his disciples), yet would human greed cast them behind were not man (like horses going astray in their brutishness) held in the way by bit and rein. Wherefore,' concluded Dante, 'man needed a twofold directive power, according to his twofold end — to wit, the Supreme Pontiff, to lead the human race, in accordance with the things revealed to eternal life; and the Emperor, to direct the human race to temporal felicity, in accordance with the teachings of Philosophy.' Thus the two powers were completely separated by their diverse ends and functions; the division was based finally on the dual ends of man. Dante saw no need for the spiritual power to interfere in any of the affairs of the Earthly Paradise. Unlike the schoolmen he did not assume that morality was an off-shoot of theology; rather he accepted the division of the new school of Paris where ethics was classed with philosophy and could exist independently of religion. The moral rational state could exist, as Dante saw it, as entirely separate from religion and could pursue its own end independently of any interference from the spiritual power. In the *Purgatoria* the four moral virtues appeared as maidens clad in imperial purple. The papacy as the head of the spiritual power was relegated to the dim recesses of the Celestial Paradise.

Dante rejected the schoolmen's assumption that man had a single end, and revived the conception of a dual end in which one goal was limited to this world and the other relegated to the next. In this way the temporal and spiritual powers could never clash; one functioned on earth the other in heaven. On earth man had but one end, the perfect development of his intellect. On earth there could be only one power. As the necessities of this life made it essential that peace must be the primary factor before any other development could take place, Dante insisted that the power which established peace should

be secular and temporal. Earthly peace was but a transitory condition though essential to the progress of civilization. The spiritual power dealt with eternal matters. It had nothing to do with a transitory condition. Let it be relegated to the Celestial Paradise. The earthly paradise was no place for it. Only the universal monarch must preside there with no rival claimant to supremacy exercising a subversive influence. Dante had made an effective breach in the theology of the schoolmen by denying their basic assumption that man had but one end in life.

Pierre Dubois, a French lawyer, writing at the same time in defence of the action of Philip IV, went further than Dante and rejected the assumption to which Dante still clung that man was dominated in this life by the divine will, and was primarily concerned with the affairs of the spirit. Dubois had watched the controversy between pope and king with keen interest. He had written violent polemics in support of Philip IV's action at every critical stage in the conflict. His works were essentially of practical import dealing with particular events. They give an insight into the attitude of the secular lawyers who were chiefly responsible for the consolidation of the secular state. It is still doubtful how influential Dubois' works were at the time, but in perspective his attitude forms a link between the imperialists like Dante and the pure secularists, like Marsilius. Dubois still clung to an international ideal later seen only as a chimera in Marsilius' works. Dubois still felt the necessity for a church for which Marsilius could see no rational justification.

Unlike Dante, Dubois was a pragmatist in his attitude to politics. Yet by a trick of circumstance his scheme for the reorganization of Europe was not carried out and his project remained among the group of unfulfilled dream states. His chief work, the *De Recuperatione* or *the Recovery of the Holy Land*, sketched a reconstruction of wh[illegible] by t[illegible]ope on original lines under the cloak of a crusade to recover consist[illegible]ine. Dubois took many suggestions straight from the practical cannot a[illegible]nces of the fourth crusade. His book was almost an historical ness is giv[illegible] the Venetians' effort at the beginning of the thirteenth these two end[illegible]ture the trade of the east for their own benefit under the attain by the te[illegible]ly crusade. He wrote out his project about 1307 on acting in accordanc[illegible] the imperial office was vacant and he hoped that

either the English, French or German candidate would take up the neglected ambitions of the Venetians.

Dubois upheld the motives of this historical expedition as the ideal desirable for Europe as a state. The attainment of more wealth, specifically the wealth of the east, should be the supreme object of the body politic. Co-operation between the now divided European states was essential before this could be achieved. Europe must reconstruct itself into a strong united state before it could conquer the east. Peace between the European nations was the first necessity for the accomplishment of this aim.

Two sources of unrest disturbed the peace of Europe: the constant conflicts between secular rulers, and the wealth of the church. Dubois suggested as a remedy for the first that the European princes and kings should meet in a council convened by the pope, where they would agree to forswear war between themselves during the crusade. This international council should enforce their voluntary agreement to maintain European peace by attaching penalties to its breaking. The property of the offenders should be taken from them and they themselves deported to the Holy Land and placed there in the forefront of the battle. This would be more effective than excommunication, which though a more serious punishment was felt by men to be a lighter blow than deprivation of property. But Dubois left vague the exact type of machinery for enforcing these sentences, and the composition of the court which should be competent to pass judgment on the offenders. He hinted that the French king would act as policeman. His own consciousness of the urgent necessity for peace seemed to blind him to the fact that others might have to be persuaded forcibly that peace was more essential than independence. He assumed that the reward of eastern wealth would be sufficient bait to induce petty sovereigns to forgo the satisfaction of attaining their personal ambitions by private war. Dubois condemned the right of the European kings and princes arbitrarily to engage in war on the grounds of its pernicious effect on the welfare of all Europe, defined specifically as its material prosperity. Dubois had travelled far from the schoolmen's or even Dante's vision of the aim of the international state.

The wiping out of the second cause of dissension, the wealth of the church, involved more drastic alterations in the European system.

Dubois entered energetically on the main part of his thesis, the deprivation of the church of her wealth and its redistribution for novel secular purposes in the reorganized state of Europe. He justified the deprivation on well-known grounds. Too much occupied with the care of their vast property, with seeking high office for further aggrandizement, with entering on litigation on behalf of their possessions, the clergy neglected their proper function, the care of souls committed to their charge. Further, the insatiable lust for possessions inspired the clergy to go to any lengths to gratify it. This was a constant menace to European peace. Deprived of their wealth, the clergy would concentrate on their proper function, the care of souls, to the benefit of Europe's spiritual life. The European state would be free of the main cause of its unrest; it would be enriched by a vast wealth. Part of this would finance the crusade itself. The monasteries and nunneries were to be reserved to promote a great and original educational scheme.

Dubois ascribed a new function for the church in his reformed European state. Superstitiously in dread of evil spirits, he did not wish to deprive the church of all its spiritual power. A strong efficacious church was needed in the conflict with the demon-infested east. But the chief function of the church was to educate both sexes throughout Europe, not to cast out demons in the east. Dubois did not mean the crusade to end with the conquest of Palestine. This was but the beginning of a settlement in the east which should command the trade routes between Europe and the far east.

The settlement of Palestine would necessitate secretaries for the new rulers, who had a knowledge of eastern languages. The Greek church would be a fine source from which to draw these linguists. The Greek and Latin churches must first be united, if this was to be accomplished. Dubois suggested that the union of the two great Christian churches should be brought about by sending emissaries to the orthodox church to persuade them to union. These emissaries should be taught in the new schools established in the monasteries and nunneries of Europe whose curricula must be adapted for this special end. Languages and medicine must be taught. The chief innovation, drawn from Plato, was the insistence that women must be equally well educated as men. They had a leading part to play in

the conversion of the east to western ideals. Dubois wished them to go out as prospective wives to the clergy of the orthodox church and as adopted daughters to noblemen settling in Palestine where they might marry the easterners and in both cases convert their husbands and children to western standards. The church must concentrate on education as its main new object with a view to helping forward the national prosperity of Europe which depended on the conquest and settlement of the east. The church was entirely subordinated to the state and only existed to serve its peculiar purpose, material ambition. Education in the international state would play as formative a part as designated it by the Greeks.

Dubois' insistence on the importance of education was based on a conception of law very different from that accepted by his contemporaries. He rejected the idea of law as an absolute rule emanating from God and binding on the consciences of all men, and of any political institution as divinely established and immutable. On the contrary, laws and forms of government in a country were the product of its environment, defined as the climate, the customs and immediate needs of the particular community. Each group had its own peculiarities, its own customs determining its political structure. Its laws were formulated by the criterion of expediency, not the dictates of divine will. No political or moral standard was absolute in a collection of groups of the medieval variety where the peculiar custom of each community had the binding force of law therein. Once change the standards of the east to those of the west by his ubiquitous educational and settlement projects, and Dubois felt hopeful of the permanent establishment of western rule in the east. But beyond the bare statement that climate affected custom and so determined the form of a country's government, Dubois did not describe how a European state extending into the east was to develop one form of law and government despite the difference of climate within its bounds. He never met this difficulty nor elaborated in detail the exact machinery of government suitable for the peaceful organization of Europe.

Dubois' political ideal was far removed from the theocracy of the schoolmen or the medieval empire of Dante. His rejection of ecclesiasticism was based on his quite different conception of the nature of man and his end in life. Man was more interested in earthly

wealth than eternal welfare. He was the creature of circumstance, the product of climatic conditions. No conception of divine or natural law checked the urge of men's desires. Customs were flexible under the pressure of men's needs. Ecclesiastical rule based on spiritual values was irrelevant to such men. The secular state sufficed. Its comprehensive powers were necessary to subordinate every other authority to its will, in order to achieve the object of all men's desires, greater material prosperity. The church still existed in Dubois' political scheme, but its nature had undergone a metamorphosis. Religion was an instrument in the hands of the state; it was an excellent method of converting its opponents to its own creed of material welfare.

The controversy which had evoked the *De Monarchia* and the *De Recuperatione* continued after the death of Boniface VIII. Pope John XXII in particular repeated the high-sounding claims of his predecessor against the Emperor of Germany. In the bitter quarrel which ensued both sides engaged controversialists to support their several claims. The *Defensor Pacis* of Marsilius of Padua and John of Jandun was written in 1327 as part of this controversy on behalf of the claims of the secular power.

Critics are still at variance as to the exact content of each author's contribution; it is generally agreed that the collaboration was close. In any case, the two men were sympathetically attuned in their interests. Both were well read in Greek literature. Marsilius had studied medicine, John was noted as a commentator on the works of Aristotle. Both were intimately connected with the sceptics of Paris and the law schools of Padua. Marsilius was nominated by Louis of Bavaria as his vicar in Italy. He was able to observe at close quarters the same internecine struggles of the Italian city-states which had impressed and troubled Dante. The disastrous effects of papal interference which he witnessed there enhanced his hatred of ecclesiastical power. The *Defensor Pacis* was written to show finally the innocuous nature of the papal claims. The authors were determined to demolish for ever the tyranny of papal power to which they ascribed the downfall of the power of the Italian cities and the break-up of European peace. For the first time in the history of the struggle between church and state, the opponents of the church attacked its authority

at its foundations. Marsilius and John were determined to show that the divine appointment of the papacy on which the entire authority of its claims rested was a myth and that the church was an unnecessary encumbrance to the state.

The authors set out to establish two theses: firstly that the state by its very nature precluded the institution of the church; secondly that the papacy was not divinely appointed. The first theme involved a discussion of the nature of the state. The similarity of the Italian to the Greek situation made the copious illustrations from Aristotle very relevant. The presence of the church and the different political machinery of the Italian city-states added novel factors and necessitated a divergence from Aristotelean precepts. The authors tried to follow Aristotle closely, but an Aristotle informed by Italian experiences.

Marsilius as a doctor of medicine started by dividing the state into two conditions: healthy, when all its organs were functioning properly; unhealthy, when free action was impeded. The first was defined as the condition of political peace; the second of political discord. What were the causes of discord leading to the ruin of states? The authors searched for a diagnosis of the internal ill-health of the state, and the attainment of internal health and peace. They examined and analysed the origin and nature of the state.

Following Aristotle's account of the growth of communities supplemented by evidence from the book of Genesis, the authors concluded that the state was a natural phenomenon subject to the law of growth. It was defined in Aristotelean terms as 'the perfect self-sufficing community aiming at the good life'. Its primary object was to supply all that was necessary for attaining this good life. Bare necessities were not enough for the achievement of *bene vivere*. Human needs were manifold demanding diverse types of men for their proper fulfilment. Nature produced this commodity with the required variety; husbandmen, artificers, soldiers and many others existed to attend to the innumerable demands inherent in human nature.

The presence of the priesthood created an insoluble difficulty. The priesthood like any other profession was found in states. What need did it supply? The authors were doubtful. The priest, a type un-

known to Aristotle, was found in contemporary communities. Rulers had found it necessary in the past to invent a God who would overawe recalcitrant men. Perhaps the priesthood was necessary to maintain this important fiction. The truth or falseness of their religion was irrelevant. The important consideration was the actual presence of the priesthood which could only be accounted for by analogy with the other professions, each of which existed for fulfilling a specific need in the community. The need satisfied by the priesthood was not manifest of itself or demonstrable. It was an artificial factor introduced by men in an organism essentially natural.

The nature of law was so defined as to endow the community with unlimited sovereign power. Law was divided into two categories: the science of the just and the beneficial; coercive enactments declaring the same. The science of the just and the beneficial was related only to the needs of each specific community, which held within itself the coercive power necessary to give the force of law to rules it had itself enunciated. Law was essentially the expression of human will; it must be coercive to be effective; it was limited to each community as only within the natural organism of the body politic did such law-making power reside. Law was not a principle of justice extending beyond the confines of a given community co-ordinating it with other communities by some external standard; it had nothing to do with divine law. Rather it was a legal system built up by the community itself, fluctuating with the expediency of the moment, but dominated ultimately by the will of the group to satisfy its need and achieve the *vita sufficiens*. The power of the community was absolute and unlimited; it was an elaboration of the old Roman conception of *imperium*.

The form and powers of the state were closely modelled on the political institutions of the Italian city-states. The authors again tried to show that there was no rational basis for the church in such communities. The assembly of all male adult citizens called the *legislator* formed the sovereign body of the state. It made and amended laws by majority will and enacted taxation. Its chief function was to elect and control by criticism and reprimands the executive chosen to carry out the will of the *legislator*. The form of the executive or *pars principans* was left vague though the authors

expressed a dislike of hereditary succession or an elective monarchy. Its duties were to draft the laws to be presented to the *legislator*, to supervise the military and ecclesiastical departments to prevent their becoming overcrowded. Its supreme task was to administer and control all jurisdiction within the state. For this it was accorded a unique authority. All other executive and judicial bodies must be subordinate to it. It must have an armed force behind it greater than any other force in the state. This armed force was an inalienable part of the office of *pars principans*, necessary for the enforcement of laws whose binding power rested on coercion. No group had the right to oppose the *pars principans* or impinge on its power over the entire jurisdiction exercised within the state save the *legislator*, its creator and its superior. The *pars principans* was subordinate only to the sovereign people expressing their commands or criticism in the *legislator*. The *pars principans* must function freely, wielding a supreme authority within its prescribed sphere to remove disorder, to suppress faction fights by its great force, to establish and maintain peace, the primary necessity before health could be obtained in the body politic and the supreme goal of the community achieved. The nature of government was such as to reject from its inner mechanism the disruptive element of a church which claimed a separate independent jurisdiction, a right to make its own laws, and the supremacy by divine right, of its own head over all other political communities. There was no place in the state described in the *Defensor Pacis* for the church of the fourteenth century. It was an irrelevancy.

The claims of the church resting on divine right were then attacked in order to demonstrate further the hollowness of the ecclesiastical position, and to demolish finally the entire structure of ecclesiastical authority. The authors cited the familiar arguments that the church had no right to temporal power because Christ and his disciples had submitted themselves even unto death to the secular authority of the Roman emperor. Furthermore, divine law, the other bulwark of the church's powers, was made by God; it concerned only the mind of man. Its function was to bring souls to salvation. Such questions as salvation, the administering of divine law, penalties for its breaking, could only be decided and carried out in heaven after death. The clergy had no right to administer here on earth a law which was con-

cerned essentially with heavenly matters. Nor should the state meddle with divine law, with one exception. Though heresy as a rule should be tried in heaven yet the state could declare a particular heresy to be a crime on earth with temporal penalties attached, if the state should find such a heresy detrimental to its own welfare. A full-fledged Erastianism was advocated in the *Defensor Pacis*. The Franciscan ideal of poverty was held up as the true ideal for the clergy. The authors boldly concluded that all the property of the church still rightfully belonged to the original donors. The clergy could never rightfully hold more than was sufficient for their bare necessities. Nor could the donors, however zealous, bequeath to them more than the use of their property. With the death of the original recipients the property passed back into the hands of its original owners. Finally the supremacy of the pope was declared null and void on the grounds that the pope was but a priest; all priests were equal in the time of the Apostles and so should be for ever. The Apostolic era was peculiarly sanctified and its example compelling. The claims of the church or the pope to exercise temporal authority were shown to be alien to the peculiar function of the church and contrary to the example of its founder. The church was left without purpose or ruler on earth.

The authors' suggestions for the ideal governance of the church further emphasized their desire to reduce the ecclesiastical power to an unreal formula. Their argument was a close analogy to their conception of the natural state, with certain important differences arising from the peculiar difficulties presented by a religion claiming universality. The whole multitude of the faithful constituted the Christian community which had power to appoint its executive of priests. But the multitude of the faithful were scattered throughout Christendom; they were not confined to a particular locality. How then was this scattered mass of people to gather together to elect their executive, or to perform any of the functions exercised by the *legislator*? To overcome this difficulty the authors suggested that general councils should meet, consisting of laymen and priests chosen as worthy by the different *legislatores* of the various natural states. General councils should define the grounds of faith and remove ambiguities which might arise in the doubtful passages of the scriptures. But their

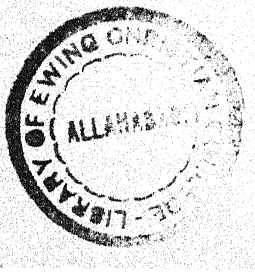
authority was strictly limited to this small sphere of interpretation, because the essence of the Christian faith was unalterable; it was contained in the plain literal meaning of the scriptures, and was beyond the need of explanation. General councils could exercise no coercive force unless they were authorized by the *legislator* of the Christian community (designated as the *legislator primus* or *universalis* or *humanus*). The authors carefully explained that such a body had never existed. Former councils could claim no authority unless they could prove that their members had been chosen as worthy representatives of the various *legislatores*; this condition was beyond proof. Nor could the authors perceive the possibility of any such properly representative assembly ever gathering together to consider the ruling of the church. The *legislator universalis* was an unreal body without a vitalizing will to give meaning and power to its actions. The will of Christendom was the will of God, which was administered in heaven not on earth. Christendom was voiceless when deprived of its corporal expression, the church. The determination of faith, the last function left to the ecclesiastical power, was shifted from the pope to the general council, which was so constituted as to make its authority and validity unreal and ambiguous. The real determiner of faith was the *legislator* of each separate natural state professing Christianity. The members of the natural state were identical in such small groups with the multitude of the faithful, the *legislator* of the natural state was synonymous with the *legislator* of that particular body of faithful. The universal church was swallowed piecemeal by the several natural states insatiable in their desire for absolute power. By the nature of the state, by the impossibility of ever constituting a universal ecclesiastical organization, by the nature of religion itself, the state was justified in claiming for itself omnipotence.

The authors of the *Defensor Pacis* had successfully recaptured in terms of the Italian city-states the state of Aristotle's descriptions, embellished and modified by concepts taken from subsequent schemes of thought and experiences, Roman, Christian and contemporary politics. They reintroduced to Europe in a form closely related to its political structure the Greek enthusiasm for the state. They gave coherence to the body of facts which were producing the new secular states of France, England and the Italian cities; they drove home the

truths of the new situation to all those united in the effort to throw off the papal authority.

Dante, Pierre Dubois and the authors of the *Defensor Pacis* illustrate a gradual approach towards a conception of the purely secular state untrammelled by spiritual obligation or the divine will. Dante rejected the church on earth, but infused his temporal empire with the spirit which had dominated its rival; the end of his empire was still spiritual and moral. Pierre Dubois went a step further, and sketched a European empire whose main concern was economic prosperity. Yet a feeling for the necessity of a spiritual power, though under a strange guise, lingered in Dubois' mind; he still retained the church. The authors of the *Defensor Pacis* boldly presented a conception of the secular state ultimately subversive of all co-operation between states. Their scepticism was scarcely veiled. They could not even comprehend the need for a church. They elaborated a theory of the state, according it an absolute power unrelated to any end but its own will. The secular reaction came to full fruition in the *Defensor Pacis*.

The suggestions for the future governance of the church caught the imagination of contemporaries. Despite the condemnation of the *Defensor Pacis* as heretical and its formal burning by the church, the book was much read during the fourteenth and fifteenth centuries. It formed the basis of the dominating movement in the church during that period. In the years which followed the writing and banning of the *Defensor Pacis*, the notion of reforming the church by a general council which should be superior to the authority of the pope, the substitution of a federal for a monarchial form of government, grew and matured into the fatal conciliar experiment.





CHAPTER VII

THE CONCILIAR EXPERIMENT: DISINTEGRATION OF UNITED CHRISTENDOM

A LONG pause of nearly two hundred years ensued in the struggle between the spiritual and temporal powers over the limits of their respective authorities after the writing of the *Defensor Pacis*. The two groups of antagonists were otherwise preoccupied. The successors of the turbulent John XXII settled down quietly at Avignon where they became absorbed in artistic interests. Intermittently they fulminated harmless bulls against various European rulers on behalf of the French monarch whose power overshadowed them. The rivals of the papacy were simultaneously distracted by their own particular difficulties. The states of France and England were facing the results of a premature attempt at centralization. The royal authority was dangerously menaced by the growing activity of the anarchical decentralizing feudal elements. The rise of towns in both countries to positions of unprecedented economic power added a new and distracting factor to politics. In Italy the rivalries between the cities continued to drain the energies and resources of these small states. The policy of the emperors vacillated between striving to recover their position of head of their scattered empire, and concentrating on establishing a strong German state with severely delimited boundaries. The empire was weakened by indecision. The outbreak of the Hundred Years' War between England and France further disturbed the European states. The emperor and most of the important princes became embroiled in this struggle for trade. Secular emergencies absorbed the monarchs of Europe. For a brief while interest in political speculation of any sort was swallowed up by practical exigencies. The Black Death prolonged this interlude. The rapid development of the Renaissance followed. Men's minds were further estranged from the pre-eminently theological discussions of the beginning of the fourteenth century. When the disaster of the Great Schism made joint action in Europe imperative, the states, their

leaders, the church and the general attitude towards it, had undergone radical changes. New political problems emerged and demanded solution. The controversy over the relations of church and state sank into the background.

In 1350 the Black Death swept across Europe, depopulating the countryside and spreading death and despair everywhere. Boccaccio's *Decameron* leaves little doubt of the effect the visitation had upon the attitude to the clergy and religion in general. The church had failed to avert the catastrophe; of what use was the church? Men sought refuge in mysticism and solitary forms of religion as the binding force of social customs disintegrated in the wake of the scourge. They concentrated on developing an inward perfection of the individual soul as they felt the external structure tottering to collapse. It was the age of the *Imitation of Christ*; of deep despondency; of a growing contempt of the clergy whose lives were a bitter mockery of their faith.

Scepticism also was rife. The Renaissance in art and learning supplied a variety of new interests in place of the old shattered beliefs. The sporadic keenness to recapture special aspects of the ancient civilizations manifest earlier in the revival of Roman law and the study of Greek philosophy increased to a continuous and passionate curiosity of every aspect of classical culture, Greek and Roman. Scholars concentrated on accumulating manuscripts from any available source. The continued threat of the overthrow of Constantinople by the Turk encouraged the immigration of Greek scholars with their precious manuscripts and their priceless knowledge of the Greek language into a delighted Europe. Greek writings were studied in the original for the first time. The real nature of Greek culture was revealed. New themes, new literary forms were discovered. Simultaneously Italian artists accomplished a revolution in the mechanism of art. Emotionally stirred and intellectually stimulated by their discoveries, well equipped in their new technical accomplishments, artists and thinkers alike were able to make full use of the variety of knowledge which circumstances had suddenly thrown at their feet. Classical models and ideas were sought and copied. Italy was flooded with a reverence for the distant past, and that past was pagan. The flood rose in Italy, and swept over Europe. The intellectual life of

Europe became paganized. The interests of these ancient civilizations seemed to centre in man and his innumerable activities. The Renaissance in a sense was the rediscovery of the importance of humanity in contradistinction to God. The tendency in the early fourteenth century amongst a select minority was to resent ecclesiastical control and negate religious doctrines. The tendency at the end of that century and throughout the fifteenth, amongst an increasing majority, was to ignore the church and assert a positive belief in human rather than divine values. Humanism gradually superseded theology.

The period after the Black Death was one of great political activity and experiment in the secular states. Their political institutions became more complicated as the activities of the central authority increased. The feudal magnates challenged the royal power; the rise of the towns to political importance introduced a further complication. A non-aristocratic element of society entered the competition for power. The three claimants to political control were in perpetual antagonism. The struggle revolved round the position of sovereign power in the state. In England Parliament was asserting its right to control the king. It formally censured Richard II and finally forced him to abdicate. In France the Estates General, in the Empire the College of Electors attempted to play a similar role and use their authority to curtail the absolutism of their rulers. Constitutional monarchy was their suggested remedy cloaking their desire to concentrate the power into their own hands. The problem was to redistribute political authority amongst a variety of claimants. A growing sense of national consciousness spurred on the interest in national institutions. In France, Italy and England national literatures were springing up. Intellectual activity and national pride stimulated political developments. The secular states were rapidly developing complicated political institutions fitted to their respective needs. Europe was disintegrating into separate entities, each infused with a proud consciousness of its individuality.

The church after 1378 became involved in the same problem of political authority complicated by peculiarities inherent in the nature of the spiritual power. But there was an important difference between the position of the church and that of the secular states which made

the church's attempts at solution of more significance in the development of thought than that of any other body. The experiments and ideas of the states were conditioned by their own particular circumstances. They were provincial problems, the solution of which was relative to particular needs and was of momentary value. But the problem confronting the church was of universal importance. The church was striving to achieve the right form of government for the one perfect society known to the world. What was found to be true for the church must be held true of any society seeking to achieve perfection. The church was seeking perfection; the states expediency. The ideas evolved about the constitution of the church would carry with them an air of universality, an air of finality as the last word in the prophecy of perfection.

The issues at stake for the church were graver than those confronting the particular states. The church not only had to consider her internal condition; she must face the fact that her failure to recover unity within herself would result in the break-up of the ideal of a united Christendom. If the vision of political unity was destroyed, what of the faith? Would it be able to withstand the shock of the disintegration of its outward body, the church, and persist as an inner flame within the consciences of those who formed the mystical body of believers? In seeking to maintain its unity the church was seeking to maintain its authority over spiritual matters upon which the doctrine of one faith depended. It had to confront the rising tide of nationalism and bid it stop in the interests of the welfare of all Christendom. From this source, which to the church threatened disintegration, the states were deriving a greater unity. The church with more to lose than any other society was faced with stronger forces set against it than against any other contemporary organization. The conciliar movement as an attempt to solve these problems and in view of its failure stands out as the most important political development of the period. It shows the idealization of constitutional government and the forces at work in Europe which made both that ideal and the ideal of a united Christendom fail.

The events leading up to the convening of the general councils were not without significance. In 1378, after long solicitations, the pope decided to return to Rome. He immediately became the prey of

the Italian factions. The large number of Frenchmen who by then composed the majority in the college of cardinals registered their distaste to Italian supremacy by electing another pope, their countryman, to the Holy See. The Great Schism had begun. The effect on papal authority was devastating. The two popes claimed an equal authority over the church with all the high-sounding prerogatives asserted by previous popes to back their claims. Europe was bewildered. She was divided into two camps, those adhering to the French choice including France, Naples, Castile and Scotland, and those adhering to the Italian including Germany, Italy and England. Confusion was rampant. The appellate jurisdiction of the pope was seriously affected by the presence of two final courts of appeal instead of one. No country could afford to be neutral. The ecclesiastical system of law was too closely interwoven with the secular to admit of its rejection by any ruler at this time. Marriages, wills, inheritance were ecclesiastical causes. The schism penetrated into the everyday life of every country. It was no academic discussion on the legitimacy of the two rivals. So long as the schism lasted, so long would the burden of choosing the spiritual guide for his people be thrown inevitably upon the shoulders of each secular prince. Force of circumstances added a new power to the already extending authority of the secular governments. The compulsory exercise by the secular prince of this power to select or reject the highest spiritual authority was a dangerous precedent. The European princes were rapidly acquiring a habit of independence in spiritual matters to the detriment of the papal authority and the unity of the church.

The prevalence of abuses and heresies further obstructed the achievement of unity. The reform in morals was urgent. The Black Death had further demoralized the clergy. The delights of the Renaissance distracted them. Riches, desire for high office, simony and personal laxity debauched the morals of the clergy. They were universally contemned. Yet there was opposition to their reform. There was a definite expressed distaste for any effort at uniformity or any compulsion from an Italian or French pope on members of the church who belonged to other nations. A contemporary remarked to one of the schismatic popes at the end of the fourteenth century that any attempt to enforce the vow of celibacy on the German clergy

would result in an even greater schism within the church. The opposition was not individual but national. Nevertheless the desire for reform amongst the ardently religious was profound and urgent, provided the methods adopted did not offend their national pride.

A host of heresies were also undermining the unity of the faith at this critical juncture. The most formidable of these was predominantly nationalistic. The followers of Huss were both heretics and patriots. They claimed simultaneously political and religious independence. The two demands were indistinguishable and consequently highly subversive to the political unity of Christendom. The Hussite attack was levelled at the emperor who wielded the sword of Christendom. It was no provincial matter.

The church by the end of the fourteenth century was disintegrating in authority, morals and doctrine. The cry was raised amongst enthusiasts for a drastic reform in 'head and members' which would re-establish the pristine glory of the church and close its ranks against the forces of disruption.

The schism remained as an insurmountable obstacle to these efforts. By 1393 anxiety reached a great height. Men like Gerson and Pierre D'Ailly in the University of Paris endeavoured to bring about a reconciliation. Steeped in the works of Marsilius and the early Fathers, aware of the early traditions of the church, they suggested a general council should be called to settle the question. The Council of Pisa which met in 1409 as a result only made matters worse. A new pope was elected, but his rivals refused to resign. The church was burdened with three heads. The University of Paris without faltering pressed for the calling of another council. This met at Constance in 1414. It succeeded in closing the schism.

The steps taken by the council to achieve this end involved it in vigorous discussions on the legitimacy of its actions. Its debates covered a wide range of problems in political theory. The two main questions were the exact position of sovereign power in the state, and the extent and limits of political authority. The Council of Constance was preoccupied almost exclusively with a discussion on the nature of political sovereignty.

The council had to assert and obtain recognition of its supremacy over the papacy in order to end the schism. Its famous decree

Frequens embodied its conception of its right to subordinate the actions of the popes to its authority. The decree stated that sovereignty in the church lay in the representative organ of the people. The Council of Constance was such an organ. It was composed of the pope and representatives both lay and spiritual assembled in council with him. The rule of the church should be centred in this full council. On the defection of John XXIII, the council went further and declared itself capable of deposing the pope. The action of John XXIII forced the members of the Council of Constance to assert the superiority of the body of the church over its head on earth the pope. Sovereignty no longer resided in the full council of pope and members, but amongst the members only. The council showed a preference born of its peculiar necessities for aristocratic rather than monarchical government. They were suggesting a limited or constitutional monarchy instead of the absolute sovereignty claimed by the pope. The deposition of Richard II in England in 1399 followed similar lines.

The papal authority was not so easily dismissed. The pope claimed that his authority came immediately from God through the agency of St. Peter. It was divine authority. The council met this objection by asserting that the authority of the people whom it represented came indirectly from God. It did not follow here the example of Marsilius who regarded the authority of the people as an inherent part of their equipment as a community. The Roman conception of *imperium* underlying Marsilius's theory of the origin of political authority was human not divine. The members of the Council of Constance could not fall back on such a line of argument when meeting a claim of divine right.

When the deposed pope, John XXIII, fulminated bulls against the council, the question was raised as to the validity of these bulls. What were the exact limits of papal authority and when was it right to refuse obedience to any ruler? Underlying this was the general question of the nature of law and how far human laws were to be obeyed. Were they merely human or were they connected with some fundamental natural law to which the bewildered individual could appeal? These were the main questions which the exigencies of the moment forced on the Council of Constance. Men like Gerson, the

Chancellor of the University of Paris, and Pierre D'Ailly on the French side, Dietrich of Niem and Henry of Langestein on the German, Zabrella and Aeneas Sylvius Picolomini, later Pius II, on the Italian, debated their individual solutions in the council chamber and in copious pamphlets. The majority of these works were written in justification of particular circumstances and crises. They were necessarily disjointed and partisan. The decree *Frequens* embodied the common factor of these views. But the events and statements of 1414 were not synthesized into a comprehensive body of political theory until Nicolas of Cusa was able to see the whole crisis in perspective some thirty years later. Then the decrees and discussions of the Council of Constance became the starting point of a political philosophy informed by that humanism which was the deeply marked characteristic of the age and the man.

The closing of the Great Schism ended the life of the Council of Constance. Immediately the members attempted to discuss the suggested reform in 'head and members' they disagreed so violently that nothing could be done. The needs of the nations varied so greatly that uniformity was no solution. Moreover, national independence was too strong to submit to more effective control from a central authority in matters deemed to be local and domestic. The nations bitterly resented any suggestion of a more powerful central authority, by which the necessary reforms could have been enforced. The Council of Constance broke up without achieving any reforms, without quelling the religious-nationalistic movement in Bohemia, despite its dastardly treatment of Huss. The decadent condition of the church in morals and doctrine remained untouched. The ominous rumblings of nationalism effectively checked drastic action and destroyed the precarious unity of the council. The assembly at Constance dispersed after declaring that councils for the future governance of the church should meet at least every seven years. They were determined that constitutional rule should not fail from lack of the perpetuity of the proper authority.

The hopes of Constance were doomed to disappointment. No important council met for twelve years. The pope carried on the governance of the church as formerly. No reforms were carried out. The abuses remained and the clergy were regarded with even greater

contempt. However, under pressure of the desire for reform vehemently expressed by the princes and the populace, the pope at last convened the Council of Basle in 1431. Cesarini was president. Nicolas of Cusa attended as secretary to Cardinal Orsini. The council achieved nothing save to demonstrate its ineffectiveness to govern. It revealed to a Europe anxious for reform the causes which made such a policy impossible. Its failure marked the final break up of the hope that Europe might act as a single organism. The disunity of the church involved the breakdown of all pretensions to international harmony in Europe.

The work of Nicolas of Cusa written especially for this council and as an outcome of its meeting embodied in a full system of thought the aspirations of Constance and of all constitutionalists whether priest or member of parliament in England or France. His *De Concordantia Catholica* remained as a vivid protest against his own subsequent defection to the papalist reaction and against all who advocated absolutism in Europe. It expressed in philosophic form the constitutionalism which the church was failing to achieve, which the Lancastrian experiment in England, the estates in France and the electors in Germany were striving unsuccessfully to accomplish. He generalized from these particulars; embodied the main principles which underlie any theory of constitutional government; and endued them with a universality that increased their significance.

Cusanus was a man representative in his interests of the most striking characteristics of the period. Whilst a student at Heidelberg University which he attended in 1416 he came into contact with the full force of the political agitations of the time in connection with the Council of Constance, the deposition of Pope John XXIII and the Hussite heresy. Heidelberg University had high hopes of the conciliar movement. It was indignant at the division of the voting at the Council of Constance into national groups. The lively discussion of all these subjects made a deep impression on Cusanus. He left Heidelberg to study law at Padua where he became intensely interested in the study of Greek. He was a typical renaissance scholar in his passion for the collection of manuscripts. His library was famous. The proximity of Padua to Venice and the Greek influence there did much to make the study of Greek easy for him.

Later he became secretary to the famous renaissance cardinal, Orsini. Again the classics had caught him in their toils. He developed a highly critical attitude to historical sources and was the first anti-papalist to reject the papal claims to supremacy on the grounds of lack of historical evidence rather than mere desire to prove these claims false, such as activated men like Dante and Dubois. He was intensely interested in the scientific side of the Renaissance and made experiments in mathematics and physics which brought him to the conclusion in anticipation of Copernicus that the earth rotated round the sun.

At the same time he gathered to himself the heritage of the Christian past. He threw up the study of law to enter the church and pursued his course of theology at the University of Cologne, the centre of Aquinine philosophy. He was impregnated with the mysticism of the age which had produced Thomas à Kempis' *Imitation of Christ*. His scientific studies of Aquinine philosophy brought him to the conclusion that the finite mind of man could never attain to a full knowledge of infinite truth. All human knowledge was conjectural and the highest wisdom of man was to recognize his own ultimate ignorance. But he escaped from scepticism through his mysticism and asserted a doctrine of intuition describing an exalted state of the intellect in which all limitations disappear and the finite mind apprehends the infinite mind of God. Critical yet mystical, experimental yet full of a great faith in the ultimate validity of his experiments, Cusanus stood out as a magnificent specimen of the renaissance churchman. His political philosophy was profound, original and comprehensive of the deepest movements of his age.

Peace which from the time of Aquinas had seemed to be the primary end of human society still remained the elusive goal to be sought in the fifteenth century. Dietrich of Niem had gone so far as to assert early in the century that the attainment of peace justified any means, whether of fraud or violence. Dietrich was speaking in the shadow of the Great Schism. To Cusanus and his contemporaries later in the century the unity of the church was still precarious and the warfare between states pointed to the need for some solution to the never-ending conflicts which devastated and distracted Europe. In the church the suggestion of unity with the orthodox church also

brought the question of peace to the fore. Cusanus was consumed with zeal to establish peace and unity in a church reorganized to effect its full responsibilities.

Two specific issues were raised by the exigencies of the moment: what was the proper relation of a general council to the pope? how best could the church be reorganized to function smoothly and efficiently? The residence of sovereignty in the body politic, the nature of sovereignty, and the very essence of society itself underlay these particular questions. Cusanus' discussions in the *De Concordantia Catholica* revolved about these themes. He set out to discover the forces which bound together the body politic in a united whole as well as to show which form of government was best suited to organized society. Cusanus sought to justify the actions of the Council of Constance in deposing the pope and appointing his successor. He asserted that the authority of general councils was superior to the pope's. His arguments in support of this statement led him into a minute analysis of the composition of general councils and the origin of their sovereign power.

General councils ideally should reflect the image of the whole church. How was this to be achieved, and why was it necessary? General councils were not separate bodies distinct from the general body of the whole church. Cusanus conceived of the church as a body woven together by the principle of election into an intimate and dynamic whole. He saw the church rising as a pyramid whose base was the faithful, whose apex was Christ. The faithful elected the curates by votes; the curates with the consent of the faithful and the metropolitan elected the bishops who ruled mainly in provincial councils; the bishops elected the metropolitans who in their turn elected the cardinals who chose the pope. The provincial councils composed of bishops and metropolitans should send delegates to the pope who must make them into cardinals. These should form a permanent general council.

The nature of the general council determined its supremacy over the pope. Cusanus was then slightly inconsistent. He first stated that no council was oecumenical unless the pope or his legate was present and that the pope had the right to summon general councils. But, he added illogically, should the pope refuse to associate himself

with the council when convened, then the council could act on its own initiative driven by the pressure of its own needs and the welfare of the church for which it was responsible. A general council was justified in ignoring the pope's defection for several reasons. General councils represented the universal church and received their authority direct from God. The pope's authority was not as cogent. He had received certain privileges from St. Peter and the Apostles, but many also from the human origin of canons and secular rulers. His authority was fallible coming from such a mixed source, and he himself capable, as a man, of sin. This explained the actual deterioration of the papacy in the fourteenth and fifteenth centuries. Cusanus' conception of knowledge deeply influenced his conception of the position of sovereignty in the state. Convinced of the fallibility of all human knowledge, Cusanus argued further that the judgment of a single man, the pope, was likely to contain less of the truth with its compelling certainty, than the combined wits of many men, such as the gathering of the bishops and cardinals in a general council. The aggregate findings of several men was less open to error than the opinion of one. Moreover, Cusanus regarded the office of pope merely as the executive of the ecclesiastical organization. The pope was only a member of the church like any other member; he was part of the corporate whole of which Christ alone was head and the church the body represented by the general council. If the pope did not perform his function of administration for the general council, then the general council could depose him. The tacit condition on which the pope was elected to office had ceased; the authority he had exercised in this capacity returned to its source, the general council. The latter must be able to control its executive. The pope was bound by the decrees of these councils. If he should disobey them, then he must be chastised by the body which by its nature and relation to him was recognized as his superior. Cusanus was asserting that a general council could depose a pope not only for the grave charge of heresy, but for any trifling misapplication of his delegated authority. The supremacy of the pope was reduced theoretically to the limits of a constitutional monarchy.

The general council representing the whole church was alone able to decide matters of faith. This and its supervision of the papal office

seemed to be its main functions. The day-to-day administration of the church was not left in the hands of the pope, but was given over to the provincial or patriarchal councils, a new grouping coinciding with national boundaries. Cusanus recognized the force of nationalism and ceded to these provincial councils the entire control of their districts. Provincial or national councils presided over by local patriarchs were to be held responsible for the reform of abuses, everywhere so eagerly demanded. To reduce the power of the central body further, Cusanus suggested that the compulsory taxation of local groups for papal revenue should cease, and only voluntary offerings be given. He hoped this would reduce the power of the papacy and curb the ambitions of aspiring bishops for the riches of the papal office, which would be considerably reduced. Cusanus' exaltation of the national group served two purposes: it was an added check on the pope; it drew the power of nationalism into his scheme for the reorganization of the church. Cusanus hoped to utilize this new force to improve the ecclesiastical administration. He did not see it as a force hostile to the harmonious workings of the ecclesiastical machinery. The permanent general council was, as he described it, nothing less than a supreme federal council composed of permanent delegates from the independent national groups designated as provincial councils. This federal council was supreme over all local patriarchs including the pope. But it was composed of delegates of the very men whose actions it was supposed to control. The power and indirect control of the national groups completely dominated the general council. Cusanus was giving a theoretical explanation to the events of the last 50 years.

Cusanus rejected centralized control by the papacy for several reasons. He realized that the reform of morals would be better undertaken by the districts concerned with their particular problems than by a central body which would have to impose uniformity distasteful to the independent nations. He hoped that in national groups the power of the secular princes would be more potent. He exhorted the kings to summon national councils of lay and ecclesiastical representatives to undertake the task of reform immediately. He did not grant the power to interfere in religious questions to secular princes but clearly he relied on the exercise of the temporal sword to enforce the

decisions of the national councils. The laymen were to act in an advisory capacity without the power to vote at the national councils. Cusanus was advocating for each national group the relationship with its secular head which, he observed, existed between the emperor and the Council of Basle.

Finally Cusanus rejected in the *De Concordantia Catholica* a centralized monarchy implying absolutism because of his passionate belief in the church. His mysticism and humanism informed his judgment on this, the basic assumption of his political philosophy. The church was a living unity defined as 'the union of souls with Christ in a sweet harmony'. It was the body of Christ in which the Holy Spirit dwelt perpetually, guiding and directing the judgments of the faithful. The bond of society was the spirit of brotherhood. The children of God were knit together and infused by the living flow of this eternal spirit. The church was dynamic not static. Love was its driving force and peace its end.

The reorganization of the church and the empire suggested by Cusanus exemplified this conception of a living society in terms of practical politics. He enunciated the principle of representation. He believed that anyone who was elected immediately represented the electors in their totality. The installation of any authority in the church was sacramental like marriage. In some mystical fashion the voters and the representative became fused in a peculiar union. Hence Cusanus described the general council elected by a closely knit system of representation as the image of the whole church. The people through their representatives ruled, and were capable of ruling. Cusanus' belief in humanity convinced him of its capacity to order, though indirectly, the higher matters of state and the faith. Disobedience to the commands of those in authority was ruled out as an impossibility in such a theory. The entire populace and not its particular rulers were inspired by God. The community had indirectly a divine right to govern. Humanism and nationalism met in this theory. Their union gave it peculiar strength. The elected authority was the representative of the voter he was commanding, how could that voter protest and refuse obedience to commands which in a sense were of his own dictation? Moreover, the ruler was the instrument of his people elected by their will and dismissable by their

will. In either case disobedience and disharmony were eradicated, save for one difficulty. When a disagreement arose between ruler and ruled, how was it to be solved? How in fact did those in authority, the elected representatives of the voters, keep in close and living touch with the people they represented? Cusanus offered no remedy. He did not reveal how the changing opinion of the whole body of the faithful should be kept constantly reflected in its representatives. The general council of the church once elected was always there. Cusanus' firm conviction of the unity of the bond of love and the power of the spirit of God to direct the actions of man led him to overlook the machinery necessary to the production of that harmony between the rulers and the ruled he so desired.

The end of this living dynamic society was peace. The Holy Spirit which dwelt in the church infused it with unity and harmony, and sought peace and brotherly love as a supreme good. Anyone who worked for peace was *ipso facto*, in the eyes of Cusanus, inspired by God and hence justified. The decrees of the Council of Constance, which had closed the schism and re-established peace, were almost sacrosanct. Peace and harmony were the fruit of love. The representative system induced harmony and was the outcome of the desire of men to work together as brothers. Hence the representative system guaranteed the establishment of peace in Europe.

The absolutism of the pope was an easy sacrifice for the establishment of peace. The supremacy of general councils over the pope was justified by the needs of the moment, the nature of society, and the nature of man himself.

Cusanus hoped to see this elective representative system extend throughout every form of society. He applied it in detail to the empire. Here he suggested reforms which would be a middle course between the highly centralizing policy advocated by the emperor supported by the cities and imperial orders and the federal policy of the princes who would recognize only nominal control from the emperor. He proposed that the empire should be divided into twelve districts or circles concerned with the reform and administration of justice. These would represent the three estates of the nobles, the ecclesiastics and the populace. Similarly the central annual diet should represent the whole empire with its electors, judges and

cities. Again Cusanus was insisting on a measure of popular control through representatives. The emperor should have a strong executive position. Cusanus accorded him far more power in this than he had granted to the pope.

He strengthened the position of the emperor for other motives than the welfare of the empire. Cusanus looked to the emperor to supply that measure of order in the Council of Basle which would make its meetings less stormy and its decisions more potent. He accorded the emperor a superior position to other princes on the grounds that the emperor had special functions to perform in relation to the church. He must maintain order and defend the faith against the encroachment of eastern and internal heresies. But this did not give him the right to interfere in religious decisions. Though he could even summon a general council to meet, his summons were exhortative not compulsory. Nor could he interfere in the election of bishops and governors of the church. He and other secular princes could join in the debates of general councils, though only in an advisory capacity. Cusanus did not identify the church and the empire. He adopted the imperialistic view that church and state were essentially separate, differing in function and organization; but they had need of each other.

The separation of church and state by an ardent churchman was a novelty. Cusanus registered in this a vast change in the attitude of ecclesiastics towards secular organizations, hitherto considered by them to be their inferiors. He still used the old metaphors declaring the church was the soul and the empire the body of the living commonwealth of united Christendom, whose head was Christ. He transfused the old conception with a new spirit: the commonwealth of United Christendom, though separated into two sections, the spiritual and temporal, was infused throughout with the spirit of brotherhood which bound together the two separate parts into a corporate whole. The essential features of this society were the principle of representation by which the whole body of Christian brothers might find their opinions articulated through their elected representatives; a constitutional monarchy as the best form of government to achieve this ideal, in which the representatives of the national or provincial councils played the role of controllers of any attempt at arbitrary

absolutism; above all, a unity of faith whereby all men adhering to a simple unquestioned body of doctrine could feel themselves indeed children of the one God and brothers in Christ. The unifying element in this ideal society was emphatically adherence to a single faith. Nicolas of Cusa's intense personal beliefs led him to assume that the bond of faith was greater in the Europe of 1432 than the fierce egotism of newly awakened nationalism.

The proceedings of the Council of Basle shattered his vision of political unity and harmony. Immediately attempts at reform roused the latent national antagonisms. The members of the council were unable to reconcile their differences. The council finally petered out, creating as it dragged on yet another minor schism to add to the disturbances in Europe. But the proceedings of a general council were no longer of interest to the European states. The long-looked-for reforms had not been achieved; the Great Schism was long closed, of what importance were the quarrels and disagreements of a handful of bishops at Basle whose authority the pope had finally repudiated? Cusanus himself disillusioned by the downfall of his hopes turned to the papacy as a last resort for maintaining the unity of Christendom. The pope to accomplish this task efficiently must have full authority to silence recalcitrant bishops whose cavillings had already brought disaster on the conciliar efforts at reform. Cusanus apostatized into an ardent supporter of papal absolutism.

The abortive attempt at constitutional government in the church was killed by the failure of the councils to meet the three great needs of the moment, reorganization, reform and the suppression of heresy. The failure of the church was accompanied by a similar failure in the constitutional experiments in the states. The attempt to rule by the representatives of the communes in France and England had plunged both countries into civil war. In Germany the cities never achieved sufficient political control to involve them in a spectacular downfall. They never united sufficiently to disunite violently. The city-states of Italy had long since given up any attempt at inter-civic agreement. The individual states of Europe had disintegrated within themselves into antagonistic factions which only strong dictatorships could overrule and restore to some semblance of order. The choice of two ideals presented to Cusanus in 1432 between a monarchical and a constitu-

tional form of government was no longer open to the church or any state. The conciliar experiment in its failure destroyed for some centuries the belief in the power of the people to control effectively their own political institutions. The ideal of democracy as formulated by Cusanus was discredited. The only alternative was absolute monarchy.

The collapse of the conciliar movement taught Europe another lesson. Cusanus had stressed the importance of the unity of faith. He had seen the commonwealth of Christendom as, in the words of Dr. Figgis, 'ruled by the principle of harmony, rather than that of uniformity, in which one polity shall still embrace both civil and spiritual activities, and brotherhood, the supreme principle of Christianity, shall become the inspiration of a delicately articulated society, the source of a varied and developing activity'. But the councils demonstrated effectively that the unity of faith was a chimera. Heresy remained persistent and intractable. The doctrine of the church was queried by those disappointed in her power to effect the simplest reforms. The bond of the great society was brotherhood; but were the faithful really brothers? Were they not rather primarily Frenchmen, Englishmen, Germans and Italians? Did they acknowledge the same elements of faith in all their countries? What were the essential dogmas of the Christian faith which to deny meant damnation? No one at the end of the fifteenth century could give a certain answer to these questions. The faith was not formulated nor decisive; heresy was not defined; corruption persisted in destroying the very entrails of the church. The intellectual scepticism of the Renaissance was rapidly gaining ground. The failure of the church made men turn more ardently to the distractions and solutions offered by secularists. The church could not reform herself nor bring peace to Europe. Who would save Christendom? The fifteenth century closed on a note of religious and political scepticism.

The failure of the conciliar movement demonstrated conclusively the lack of unity within the church and the reality of national differences. It was a terse comment on the political perception of the authors of the *Defensor Pacis*. There was no actual body of the faithful; nor a mystical corporate life of the whole. The church was composed of separate organizations roughly representing national

divisions and each strongly nationalistic and resentful of foreign control. The unity of faith could only be achieved by the co-operative effort of these national or, as Cusanus described them, provincial groups. But the nations were rapidly becoming self-conscious and boisterous in their self-consciousness. The failure of the church removed the slight nominal check on their independence. No authority in Europe existed, in fact, superior to their own. The failure of the conciliar movement left Europe disintegrated into a congerie of separate independent states with only a nominal leader, and ready to embark inevitably on the conflict of their several sovereignties characteristic of modern international politics.



CHAPTER VIII

THE TRIUMPH OF THE NATION-STATE

THE long struggle over jurisdiction, characteristic of the Middle Ages, came to its final crisis in the sixteenth century, and was resolved in favour of the new entity, the nation-state. At last the state took control 'over all persons and in all causes' within its territories. This assumption of absolute power was accompanied by a devastating convulsion in political institutions. Long-revered ideals were discarded to give way to conceptions evolved to meet the exigencies of the moment. The secular state attained a supremacy which would have gratified the highest ambitions of the earlier anti-clericalists. But the secular state which thus triumphed was very different from the old empire which straddled across all Christendom and struggled to occupy the same position as the universal church. The new nation-state was essentially separate and distinct from its neighbours. The striking phenomenon of sixteenth-century politics was the presence of countless separate entities all claiming absolute power for themselves and irresponsible independence of each other. Political thinkers were occupied with the problem of justifying or attacking this new entity. Its nature was something new, but its claims to sovereignty were similar to many which had developed during the Middle Ages in the long struggle between pope and empire. As the conception of a nation-state was new, so the discussions of its particular form of sovereignty followed somewhat original lines.

The reception of new ideas was facilitated by two major factors. The geographical discoveries at the end of the fifteenth century stimulated imagination and introduced a different perspective. The medievalists had viewed the universe as the audience of their human drama. The earth in the centre had hell beneath it and heaven as a canopy above. The earth itself was a flat surface, over whose edges men might fall into utter darkness. The Mediterranean basin was the centre of this world. These long cherished beliefs were jarred and broken to pieces when Columbus discovered America and Vasco da

Gama sailed round the Cape of Good Hope. The world extended far beyond the bounds long held to be its limits. Europe shrank in proportion as the world grew. Simultaneously the early scientific speculators were suggesting that the earth was not flat but round. Aristotle had held this opinion and his works reintroduced the idea to Europe. Cusanus was further suggesting that the earth rotated round the sun. In a spherical world the locality of hell became a problem, the position of heaven a greater one. The structure of the medieval universe was rapidly being undermined. The geographical discoverers revealed the border of the Mediterranean basin to be one of many lands, the earth to be spherical, and were suggesting that the medieval Christian world, in fact Christendom itself, could no longer claim to be the central floor in the architecture of the universe. A new universe opened at the end of the fifteenth century before the staggered gaze of men already eager to explore, already intoxicated with the intellectual stimulants they had received from their study of antiquity.

At this moment the mechanism of printing introduced a new vehicle for the transmission of thought. Ideas which had been forced to travel slowly at the speed limit of hand-written manuscripts now were precipitated from place to place as fast as the printing machine could turn them out in large quantities to an eager world. Intellectual curiosity had always existed. It was particularly alive in the sixteenth century, and the art of printing enabled men who would otherwise have passed their lives unknown to each other to interchange views with a rapidity hitherto unknown. The art of printing quickened the speed of intellectual life. It introduced variety. A man was able to obtain books in his own home which before he had had to travel to read; many more ideas were thus available to him. Variety had a broadening effect and stimulated to controversy. Men were more aware of each other intellectually and knew more concisely of their differences and their dislikes. A clash of intellects ensued unparalleled before for which the printing press was primarily responsible. Thought was vigorous and a new medium for its transmission had been discovered. The pioneer of modern communications was established.

The beginnings of the scientific movement in the sixteenth century

helped further to relax the old bonds of thought. Though the scientists did not dominate thought until late in the seventeenth century, yet their approach to knowledge from an experimental rather than an authoritarian angle emphasized again the general trend away from the rigidity of old ideas.

The bonds of society were most loosened in Italy which had been early and deeply affected by the Renaissance and its own internecine struggles. The tradition of the fourteenth-century secularists had left its mark. The Italian Machiavelli was the first thinker to examine and analyse the characteristics peculiar to the nation-state and to attempt to produce a theory of this new political organism.

The cities of northern Italy astir with new ideas with no stable criterion in religion or philosophy seethed with unrest and intellectual curiosity. Their political machinery had passed from the chaos of the faction fights of Dante's time to the more orderly regime of the Tyrants. Strong government had succeeded in the cities in restoring order and some measure of security. But warfare was constant between the city-states themselves. This source of instability could only be checked by extending strong government over a wider area than the city-state. If the city-states were to achieve complete security, they must unite. For the danger was not merely internal exhaustion. From 1494 onwards the co-ordinated state of France was pressing downwards into northern Italy, which became thenceforth the battleground of the conflict between the French king and the German emperor. The independence of the city-states was threatened by these intruding foreigners. Unity between the states from external and internal motives was essential if their vaunted political independence was to be maintained. Machiavelli looking across the border to the strongly established kingdom of France, aware of the weakness of the Italian city-states, and of the potential strength of the Tyrants if once properly applied, burning with the patriotism of a man soaked in the history of Italy's glorious past, determined to examine the issues and attempt some solution of Italy's political instability. Again the problem of instability absorbed an Italian's mind. But political institutions had become more compact and more centralized since the days of Marsilius; the church had been discredited by the Great Schism and the failure of the conciliar movement: the Renaissance

had further developed and subtly undermined the medieval concept of man's relations to God. Machiavelli was not concerned with the relations of church to state; nor was he filled with an insensate hatred of the church such as had overwhelmed earlier Italian writers. The power of the church was too weakened to be of much interest to the Italian cities of 1513. Machiavelli wrote in a very different world from Marsilius, to solve a different problem.

Machiavelli wished to discover how to establish a strong state against foreign oppression and domestic upheaval. He sought his answer in the history of Rome to see there the causes of the decay and rise of a state to great power, to analyse the experiences of man, to show where lay the strongest bonds of social union, where they failed. The *Discorsi*, written as discourses on the works of Livy, the great classic author, showed Machiavelli's search for the forces which bind men together in society; the *Prince*, better known and often cited as the epitome of Machiavelli's political thought, embodied rather a section of the *Discorsi*, dealing with the governance of a state when already formed. The *Discorsi* was Machiavelli's philosophy of the state, the *Prince* a manual for the guidance of rulers, in particular the Italian Tyrant, Lorenzo de Medici.

Machiavelli's approach to his subject was new to the Christian world. He sought to show actual conditions and to analyse the causes for their appearance; he assumed from these actualities that certain principles underlay their behaviour. He generalized from particulars. He treated men as they were, not as they ought to be. He asserted that only by the known events of the past could one foresee the future, 'he that would see what shall be, let him consider what hath been'. Principles of conduct, principles of politics emerged from the mass of evidence he brought forward. What men had done dictated what they should do; and the criterion of value was the success which accompanied their action. From the past alone could men deduce what caused success, what brought failure. To the past he turned.

Men, he asserted, at first lived like animals, wild and scattered about haphazard, until population increased and defence was necessary to preserve security. This could not be obtained without association, so men gathered together in groups for the primary purpose of achieving security. The origin of society was a matter of chance arising from

the urgency of the need for defence. There was no fixed model for society. Political institutions were not constant. They obeyed a cyclical law. Accepting Aristotle's definitions of good and bad states, Machiavelli showed by historical examples how all states tended to pass by a regular progression from monarchy to tyranny, then to aristocracy, then to oligarchy, reacting into popular rule at first good and then bad, which in its turn went back to monarchy. Generally the cycle was interrupted by the destruction of the state by foreigners who took advantage of a moment of decline. States obeyed a law of change which made them sometimes good, sometimes bad. This law did not operate at the same rate in each state, hence the differences between actual states at a given moment. If the very nature of the state determined its decay and ruin, how could men stay the course of this fundamental law? Machiavelli argued that men and chance or fortune had each their part to play in the ordering of human affairs. Men had a measure of free will left to check the forces of nature; in this way they had the power to combat the forces of decay inherent in every state. Some measure of equilibrium between the forces of decay and growth might be obtained for a short time; but in the long run Machiavelli believed every state doomed to destruction. For 'all things are in continual motion, and nothing stands firm'. Not only states 'must ever be rising or falling', but the universe itself was flux and governed largely by chance or fortune.

Yet Machiavelli clung with the tenacity of a visionary to the hope that one day Italy would emerge triumphant above her enemies and be secure against the forces of disruption. Though the perfect static state was inconceivable, yet the moment of equilibrium might be prolonged indefinitely. How was this to be achieved?

Machiavelli saw one constant factor emerging in the swirl of change, on which he based his arguments. The nature of man seemed unchanged throughout the ages. Man had sought security in the beginning; he still sought security. Glory and riches were the aim of all. Men 'were always and are subject to the same passions'. The minimum a man demanded was security; but the ultimate fullness of good government which he wished to enjoy was sought in order 'to enjoy freely one's own without suspicion, not to doubt of his wife's or daughters' honours, not to be in fear for his sons, or for himself'.

Property, honour and security attended by glory and riches were the constant aims of all mankind. These were the objects in varying degrees of every state. Essentially they were selfish objects, each man seeking his own fortune, glory and safety. The problem Machiavelli had to solve was to reconcile the selfish nature of man always 'bent to mischief', and always seeking its own end to the detriment of others, with the claims of social life. Yet in social life alone could men hope for security. A balance must be struck between the inherent selfishness of man and his need for security. How was this to be done?

Machiavelli asserted that when men first entered into social relations to obtain safety, it became apparent quite early that if one man acted ungenerously towards the ruler chosen to enforce security, that he aroused by his action feelings of hatred towards himself and apprehension in others that he would act similarly towards them. This fear of insecurity bred laws to restrain the disturber of internal stability. A sensitiveness to such disturbances gradually developed. It was considered wrong to act against the interests of the community, and right to act for its welfare. Thus a sense of right and wrong arose, from which sprang the notion of justice. The criterion of justice was the security and well-being of the community. The criterion of morals was the same. Public and private morals were not dissociated. Politics and ethics were not divorced. They were part of the same system. The criterion of social as of individual action was the security of the state. Therein ultimately lay the security of the individual and the sole possibility of his attainment of his private ambitions and the fulfilment of his end. If the individual acted against the well-being of his own community then he was bad and must be punished. No other meaning was attached by Machiavelli to the words good and bad. They were related solely to the ends of particular states. There was no general principle of morality superseding the standards of each state. Each state was essentially and inherently independent, knowing no law but its own necessity to maintain its independence and its security. These two ends were by Machiavelli's code of ethics binding on the state and on its citizens. It was conceivable in such a state that the citizen might have to be sacrificed to the community, that the security of an individual might be the price demanded for the security of the majority. Machiavelli was compelled to acknowledge

this possibility and indeed agreed that it must be so. The highest good was the security of the whole, not the preservation of the one.

To achieve this end any means might be employed. What was popularly considered wrong could not be regarded as such, if it managed to attain its end, the preservation of the state. Thus Machiavelli approved of homicide as in the slaying of Remus by Romulus. Thus he asserted in the *Discorsi* 'it is he who does violence with intent to injure, not he who does it with design to secure tranquillity, who merits the blame', and in the *Prince* 'it is necessary for a Prince wishing to hold his own to know how to do wrong and to make use of it or not according to necessity'. Cruelty by a prince was similarly justified. 'The act may condemn the doer, the end may justify him.'

To achieve security force and absolute authority in the ruler were necessary. Men were recalcitrant and prone to pursue their own ends not society's. They were evil. They must be restrained by the one weapon they would understand, force. Force bred fear, and fear was more disciplinary than love which easily gave way under trial and turned to self-interest. Laws were necessary to restrain men from pursuing their selfish ends and upsetting the stability of society, and laws would not be effective unless force lay behind them, 'seeing it is not possible for men to live in security without force'. The duty of the ruler established to achieve security was to make these laws. To do so, he must have an unfettered authority. No rival could be tolerated otherwise his whole purpose would be frustrated. The slaying of Remus by Romulus was again justified.

The actual structure of the state most approved by Machiavelli followed as a natural sequence from these premises. Machiavelli preferred a mixed form of government closely allied to that advocated by Aristotle. He agreed that the chief obstacles to security were the differing and insatiable ambitions of men. If these could be identified with the welfare of the state, each citizen would have a personal interest in maintaining its stability. So if the monarch's power was balanced by the senate's and the senate's by the people, all would be concerned in the authority of the government. Ultimately all power lay with the people who in true Roman fashion were sovereign. Machiavelli trusted the judgment of the people far more than that of a single man. All men were subject to error, but when united in a

commonwealth the risk of error seemed less. Machiavelli endowed the people with an almost mystical power of perception, 'as touching wisdom, and settled stayedness, I say that the People is wiser and more staid, and of more exact judgment than a Prince. And therefore not without cause the People's voyce is likened to God's voyce; for we see that the universal opinions bring to pass rare effects in their presages, so that it seems by their secret virtues they forsee their own good or evil.' Machiavelli was delicately placing his finger on the pulse of nationality; the people as a group entity possessed 'their secret virtues' illuminating their morality. The best state was a republic in which the power of the people possessing such virtues could operate unchecked. In such a state security of property, honour and person was best obtained by all the citizens, and their liberty and independence assured. Failing this best of all states a limited monarchy might achieve security. Machiavelli had no patience with a Prince who had 'power to do what he list' for he was bound to commit 'divers follies'. Though at the foundation of a state not instituted by a free people, the ruler must have absolute power to establish the laws necessary to achieve security, yet once these laws were established Machiavelli looked to the development within the state of that public spirit which would eventually demand a full share in the government and the final establishment of a republic. Machiavelli then repeated Marsilius' views on the power of the legislator, stating that in either case the people were sovereign, whether the Prince existed to legislate and administrate in their interests, or whether they themselves undertook the task of maintaining the laws established for their benefit.

Public spirit was essential for the establishment of Machiavelli's ideal republic. What did he mean by 'public spirit'; how might it be developed? Machiavelli described it as 'virtue'. It was the motive force which induced men to sacrifice their inherent desire to pursue their own ends for the sake of the community. It was something more than mere desire for security which could only be attained by group life. If Machiavelli began by declaring the need for security alone drove men to live in groups and limit their freedom and independence by association with others, he finished by sublimating this need until it became an ideal that would demand the highest sacrifice from men.

If he at first described men as 'bent to mischief' he ended by asserting that these same men joined together as nations could speak with an authority 'likened to God's voyce'. Never did Machiavelli use the word nationality in our modern sense; but he was vividly conscious of the forces which united a state, his description of which constituted a description of the forces of 'nationality'. He warned his contemporaries of the danger of attacking a state that seemed divided within itself. The presence of a foreigner at its gates was sufficient to close its ranks and make it stand united against the external alien danger. There was something alive in a community which could force men to forget their most flagrant wrongs and unite with others they had but lately sought to destroy. What was this force? Machiavelli believed that a common tradition, a common language, a common system of law were the bonds of unity. The sense of their innate difference from outsiders and their right to their independence was so strong in a people that to Machiavelli it was almost invincible. Only the destruction of the people themselves could successfully destroy it: 'He who becomes master of a city accustomed to freedom and does not destroy it, may expect to be destroyed by it, for in rebellion it has always the watchword of liberty and its ancient privileges as a rallying point, which neither time nor benefits will ever cause it to forget.' This passion for liberty and independence was present in varying degrees in all states. Where it was least developed there a tyranny or at any rate the rule of one man was likely to flourish. Alas! Italy had been denuded of this spirit by the church and lay under the heel of many tyrants and foreign oppressors. Machiavelli blamed the church for the decay in religion so conspicuous in Italy, and religion, he maintained, was a strong bond of unity between a people. No matter whether true or false, religion fostered public spirit, and as such should be encouraged by the good ruler in all states.

As the primary object of the state was security, Machiavelli devoted much of his time to the art of war as the most obvious means of maintaining security in a world peopled by men bent on mischief and subservient only to force. He rejected the popular idea that war should be fought by paid foreign soldiers. The best defence of a city was its citizens impregnated with their desire to defend their homes, wives and personal freedom. An army composed of citizens who

fought for the glory of their commonwealth was the only reliable defence. 'Men not money is the sinews of war.' In war where the security and independence of a commonwealth was in jeopardy, all means for its preservation were permissible, nay justified, by the nature of the emergency. War itself was just when necessary, 'and arms are hallowed when there is no other hope but in them'. The limits of a state must be carefully fixed with its security in view; it must be neither too big nor too small, strongly situated and 'of such resistance, that no man can hope to subdue it on a sudden; and on the other side that it be not so great, to become a terror to its neighbours . . . For,' he added, 'upon two occasions ordinary men make war against a Republic: the one to become master of it, the other for fear it become master of them.' For strategic purposes Machiavelli believed that natural boundaries, particularly rivers, were the best limits of a state. By strong armies and by adequate laws, with the right limits and delicately adjusted powers within the state, above all with an ever-increasing development of public spirit based on the past glories of Italy and the hope of future triumphs, Machiavelli strove to substantiate his dream of an independent and dominant Italy.

He had gone far from accepted standards in his search for stability in political institutions. He rejected the idea of the innate knowledge of good and evil, and declared this knowledge developed as a result of social intercourse and born of fear of social consequences. The criterion of moral and political conduct was not the law of God but the security of the society in which a man lived. These societies differed one from the other; he implied that as their standards of conduct were identified with their ends, so no one standard of conduct existed. Europe was honeycombed with a variety of moral codes. Natural law was non-existent. Human law was unrelated to any genêral principle of justice and connected solely with the need of man for security. Justice as a principle was swallowed up by the ravening desire for security of life, honour and above all property. Property was sacred to Machiavelli as to his Roman forebears. The universe itself being dominated by chance, there was no ultimate possibility of attaining stability. The fixed regime of Christian ideals was shattered into a thousand unrelated fragments. As all states were obliged to

seek their individual preservation, as all states were ultimately self-seeking and absolute, no basis existed for relations between states. International law was inconceivable, and international diplomacy became the field for the acutest deceivers. No international law could bend to its will the independence of the sovereign states. Christendom long moribund was destroyed at its roots. The origin of society as an institution of God was completely refuted by historical evidence. Men had gathered together to satisfy their own needs, not at the promptings of a divine Providence. Machiavelli went further, chance not God ruled the universe; and a religion was not appraised by its nearness to ultimate reality but by its ability to perform a service to the community of mankind. Men needed stability. If religion could help to foster this, its nature was irrelevant. Man prone to evil, but capable of discerning the factors conducive to his own immediate satisfaction, insatiable in his desire for glory and riches, recalcitrant and wavering when alone, strong and just when in association, with a passion for liberty, clinging tenaciously to his accustomed environment, man and his needs was the ultimate end of all society; his security alone formed the ultimate object, the final criterion of all morality. The nation-state united in religion, customs, language and law, stretching to its natural frontiers in France, England and Spain found an eloquent vindicator in Machiavelli as he cast his eye from the ruins of Italy enviously on the surrounding rising powers of Europe.

The Reformation made Machiavelli's theory of the state momentarily irrelevant. His contempt and disillusion about religion and his suggested substitute of patriotism for the universal truths of religion were out of place in a Europe precipitated after 1519 into the full stream of religious controversy. Machiavelli's *Prince*, though much read and quoted during the sixteenth century, was little understood as part of his deeper philosophy. His belief in the power of the people expressed in the *Discorsi* was ignored by monarchs and statesmen whose chief desire was to maintain their authority sometimes in the face of popular opposition. His works were premature at the beginning of the sixteenth century. The attainment of national religions had not yet occurred.

The Reformation begun as an attempt to purge and consolidate

the universal church ended by a strange trick of circumstance in promoting the development of national usually antagonistic religions. It was a retrograde movement in political theory. Once again Europe was involved in a struggle between church and state which had been quiescent for nearly two centuries. In the sixteenth century the struggle was more intricate, more bewildering; it was enacted within the confines of a single nation. Each sovereign state was opposing a particular church. Each petty state or church paradoxically asserted its particular independence in terms of universal supremacy. At the end of the religious wars of the sixteenth century the nation-state emerged triumphant from these conflicts with an added function to its credit: the duty and power to control the consciences of its subjects. This extension of the power of the state, implicit in Machiavelli's belief in the compelling force of the 'voyce of the people', was the direct result of the ideas that developed during the violent reaction caused by the Reformation. A change occurred in the assumptions about human nature which facilitated this extension of political control to the state now provided with a vastly improved administrative machinery.

The concentration on the study of human activities and the spread of the humanistic attitude throughout the Renaissance suggested the capacity of man to judge for himself in all matters even and more especially in matters of religion. Luther's protest in 1519 was in train with the renaissance spirit; it was an exaltation of the individual. He pitted his particular opinion against the whole weight of the corporate authority of the church. His defiance had extensive consequences, apparently unsuspected by Luther at the time. His action raised anew the whole question of ecclesiastical reform. It raised graver issues. His protest implied that the neglect of those in authority might be remedied by the action of individuals. He suggested that the individual had the right, if not the duty, to inquire why those in authority were failing in their duty; that he had the power to decide what the church ought or ought not to do; that he could by the light of his own conscience discriminate between what was the law of God and what was not. The individual was bound to obey what he unaided perceived to be God's law, despite threats or persecutions from the church though it was backed by its claim to divine institution and

centuries of accepted authority. One man's judgment could stand against the accumulated experience of centuries of religious thinkers and saints. If the individual could speak so certainly on the law of God in the high matters of faith, surely he could judge what was the law of God in purely human relations? Luther in claiming the right to individual judgment in matters of religion was simultaneously implying that the individual could ascertain what was justice, for justice and religion were indissolubly bound together in the minds of his contemporaries. If divine institutions could be defied by the individual in the name of his conscience, how much more so merely human laws only indirectly derived from a divine source. Every man became by Luther's theory a priest, every man he implied became a law unto himself in political as well as religious matters.

The Peasants' Revolt in Germany was the comment made by an ignorant peasantry on Luther's action. Social abuses lay unremedied; Luther's justification of the individual's power to remedy religious abuses suggested a similar justification for those eager to remedy social conditions. The peasants revolted in the name of justice whose meaning they now felt capable of interpreting. Luther found himself the fountain-head of anarchy not justice. He retreated in panic, and reversed his first judgment. He declared that only civil magistrates could undertake necessary reforms. As the spiritual authorities had failed in their duty of removing abuses, the secular authorities, not the private citizens, were instituted by God to do so. They were given their power, the civil sword, to cleanse and purify the church and maintain it in its pristine glory. Luther was applying to every individual prince, or, as he said, civil magistrate, the duties which had hitherto been regarded as exclusively pertaining to the office of emperor. The ecclesiastical authorities were moribund; the emperor was preoccupied with the teasing details of administering his scattered domains; the individual was untutored and incapable of ordered action; Luther turned in his fear and passionate desire to see religious abuses remedied to the substantial power of the new compact secular governments. He endued them with almost imperial authority. Luther was thus driven into a denial of the basic assumption of the Renaissance and its humanistic philosophy. He rejected its belief in the power and dignity of the individual to regulate and con-

trol the details of his own every action and hence to assist in the management of public affairs. His apostasy started a reaction which developed on the one hand into uncompromising religious intolerance and on the other into a secular absolutism.

Luther's apostasy of his belief in the individual was not sufficient to stem the flood of anarchical elements which had broken loose at his first action. Reformers sprang up everywhere in Europe claiming divine authority for their particular views. New churches were founded only to divide again into other churches each claiming a clearer vision of the truth. Europe became a patchwork of ill-assorted religious communities bearing little or no relation to the underlying structure of petty states, themselves claimants of political autonomy. In the innumerable states of Germany the anarchical political elements allied with the religious; civil war or revolts broke out throughout the empire. The unrest spread to France where political, religious and economic conditions were already disturbed. The efforts of the French kings to centralize the government of France from the north southwards had met with great resistance in the southern provinces. The traditions of the south, their language, their predilection to Roman law, even their racial origins, were different from the Teuton north. The Reformation aggravated this difference by adding an alien religion. The organized rebellion of the southern cities then plunged France into the chaos of a long civil war.

The French civil war introduced a new phase in the development of the nation-state towards its goal of absolute supremacy and independence. The forces which clashed in the struggle were both striving for complete dominance; both claimed absolute sovereignty. The centralizing royal authority was impregnated with ideas taken from Roman law in which the sovereign was absolute; the church-state of Calvinism claimed supremacy in the might of the law of God. The old struggle between emperor and pope was revived in a concentrated form within the confines of a single state. France and subsequently the rest of Europe were plunged back in political issues to the problems of some three hundred years before. Was the king or the head of the particular church to have supreme authority? What was the nature of political obedience and of law in the state? Was there a sovereign power within the state, and if not by what limits was the

independence of the nation-state curbed? By what right did these upstart churches make such vast claims? In attempting to defy the power of this new religious enthusiasm the secular state had to augment its own power to include all matters pertaining to religion and the consciences of its subjects. The particular course taken by the Reformation almost forced the nation-state to adopt the longed for control 'over all persons and in all causes'. Calvin's theory of the state was an urgent factor in pressing the secular power, not unwillingly, towards the assumption of this supremacy.

Calvinism marked the greatest reaction away from the liberating forces of the Renaissance and its belief in humanity and the possibility of democracy. Calvin consolidated the movement towards absolutism which had begun at first within the church after the failure of the conciliar experiment had discredited constitutional rule. He picked up the anarchical threads of the early reform movement and wove them into a strong and irresistible system. He synthesized like a medievalist the chaotic conceptions inherent in much of the political thought of his age.

The calvinistic system was simple and logical once its premises were accepted. Calvin's object was to discover a substitute for the authority of the catholic church which should be as powerful and coercive as that living flexible body. He found his substitute in the bible, the inspired Word of God. Paris, where Calvin studied, had been considerably influenced by the study of Roman law and the new discoveries in science. Both stressed law as a governing principle, the one in human relations, the other in the whole universe. Man, to Calvin, was gripped and enmeshed in a rigid system of laws, regulating his every action, until of himself he could do nothing. The originator of the law had planned everything to the minutest detail; nothing was left to man but to carry out these laws. Man's every action was predestined from the beginning, he had no freedom left him with which to choose. The justification of this theory of the all-pervading power of God lay partly in a very real sense of awe engendered by the conception of the vastness of the universe which was just then being revealed through the scientific and geographical discoveries; partly in Calvin's conception of the nature of man. Man seemed to him utterly incapable of any good action whatsoever. He did not

even allow him the possibility of wanting to do good. 'Let it stand, therefore, as an indubitable truth, which no engines can shake, that the mind of man is so entirely alienated from the righteousness of God that he cannot conceive, desire or design anything but what is wicked, distorted, foul, impure and iniquitous; that his heart is so thoroughly envenomed by sin that it can breathe out nothing but corruption and rottenness: that if some men occasionally make a show of goodness, their mind is ever interwoven with hypocrisy and deceit, their soul inwardly bound with the fetters of wickedness.' Even Machiavelli had not gone so far. Such a creature could not be capable of running the business of government with any success. God had to make every rule of government beforehand for such decrepit beings.

God had laid down once for all in the bible his scheme of government which he thought most desirable and obligatory for men. Men could not alter this scheme. Obviously such polluted instruments could not change for the better the institution prescribed by the Almighty. The nature of man prohibited at the outset any attempt to get behind the authority of the Word of God. Nor would Calvin admit the possibility of the catholic church or any church as a fit authority for interpreting the Word. To assert that the Word needed interpretation was to imply that God had set down his precepts confusedly for man whom he knew to be utterly corrupt and incapable of making an interpretation. This was to impugn the wisdom of God and was a grave sin.

Calvin's fundamental premises were the omnipotence of God, the all-pervading nature of his law embodied for man in the bible, the utter incapacity of man to do aught but evil. From these sprang his political theory in logical sequence. He asserted that the divine purpose for mankind was to bring some men to the supreme happiness of salvation. How was this to be achieved? The answer was to be found in the bible. There God had shown to the Israelites the form of government by which his will could be effective. Moses had received from God the tables of stone on which was engraven the law of God. The end of all human activity was to obey this law; the penalty for disobedience was eternal damnation. The law was divided into rules for conduct towards God, and rules for conduct towards man. The slightest slip in the performance of the smallest of these details was as

grave and consequential as the most formidable sin, for man could not differentiate between the different orders of God, each was equally binding. Man could not give more value to the one duty and less to the other. He was incapable by nature of any moral evaluation. The best form of government was that used by the Israelites as commanded by God. God had set up priests and kings, the one to carry out the first table of the law, the other the second, but there was no real separation between the powers, for both were instituted to carry out the law of God. A default in one's duty towards one's neighbour was a crime against the community and a sin against the second table. A default in one's duty towards God or religion was a sin against the first table and a crime against the state whose primary function was the maintenance of the whole law of God, not a limited part. So to Calvin crime and sin were identical terms. The state was as much a theocracy as the medieval church. The priesthood must in such a society hold the superior position. Obedience to the commands of those in authority was a religious duty. To disobey was to defy the law of God and his appointed ministers. The sovereignty of this homogeneous state pervaded by the one system of divine law laid down in the bible was absolute over its subjects. They had no right left them for rebellion or even protest. There was only one law of God, one form of government. Any other form was criminal and sinful, and merited the most severe punishment. So Calvin felt justified in promoting the most severe religious persecutions. The calvinistic premises necessitated a simple uniform system of government throughout all Christian countries. There was but one true form of government and Calvin had discovered it to a perplexed world. Calvin in his reliance on the bible was making a gallant bid for the re-establishment of unity in the religious chaos of the sixteenth century.

The great weakness in Calvin's theory of the state was this reliance on the bible. It was not enough for Calvin to assert that the inspired Word of God required no further interpretation. In point of fact his views in the *Institutes* were themselves a particular interpretation; and as the bible came more and more into the hands of the people it received in increasing degree a variety of interpretations. But for a long time each interpreter held, as Calvin did, that his view alone

was valid and must carry with it the weight of authority lying behind the Word itself. Everywhere it was agreed that obedience to the law of God was a religious duty, that human laws were valid only when they partook of the nature of the divine law, that government was instituted especially to carry this system of law into effect. Hence obedience to government was a religious duty of the highest order, and disobedience a corresponding sin. So religious persecution spread throughout the length and breadth of Europe, and France, Holland, Germany and finally England were torn with religious wars bound up inextricably with political issues. All the protagonists claimed obedience to their particular form of government as a religious duty; all believed their form the only one sanctioned by divine law. Each secular authority sought to justify its desire to establish an absolute authority within its realm on a religious basis of the most binding nature. Calvin reintroduced in an acceptable form through the fiction of the authority of the bible, the most powerful conceptions of the Middle Ages in relation to the nature of law and political obedience. But the bible was more passive than the catholic church, and lay inert in the hands of its interpreters offering no resistance to the twisting of its words to justify the actions of its believers. The secular authorities had received an opportunity for power through this medium which would never have been accorded them from the hands of an actual church, a living rival and opponent to their claims.

The immediate result of the wholesale adoption of this theocratic conception of the state as advocated by Calvin was to increase political confusion and religious persecution and to intensify the reaction away from the renaissance liberalism and its joyous belief in the potential capacity of man. Each party in turn as it came into power claimed divine sanction for its acts, claimed to be the only and best form of government for the country. To disobey its commands was regarded as a grievous sin; to profess another religion was regarded as a heinous crime. The suppression of every other form of religion was incumbent on whatever party was in power in order to substantiate the basis of its authority, the one law of God, whose maintenance was the primary function of government. The attempt to enforce one religion in each country invariably ended by stirring up fierce

rebellion. It was becoming increasingly apparent in the sixteenth century that the maintenance of one religion was not conducive to peace and order. The resulting chaos impressed upon men's minds the need for strong secular government. The initial premise of Calvin's, that the private citizen was incapable of ordering his simplest acts, was reinforced by circumstances. Some of the most eminent catholics professed their belief in the utter vileness of human nature. The corollary to this in political philosophy was a belief in theocratic absolutism. Everywhere, particularly in the French civil wars, one theory of absolutism clashed with another. No political solution was possible so long as religion and justice were interchangeable terms, for the religious controversies were endless.

Several groups of which *Les Politiques* in France were the most famous began to form, whose object was to dissociate politics from religion in order to combat that corrupting element of stability, the conflict of religious passions. They sought to show that a state might be as firmly established without religion as its basis. They insisted that the welfare of the community and not the maintenance of true religion was the primary concern of government.

Bodin was the most outstanding philosopher of this group. He gathered together the views of the new school of thought, and suggested a new set of values for political society. He sought to extricate the state from its divine entanglements and human law from the controversial ambiguities of divine law. He endeavoured to show that an absolute authority existed within the community which whilst morally binding on the members of the community was yet dissociated from any form of religion and could remain indifferent to the charge of impiety. His main concern was with the nature of government and the validity of its authority within the state. In attempting to elucidate this for immediate application to the domestic affairs of France, Bodin was led on to the exposition of a profound philosophy of the state. As a keen lawyer he had considerable knowledge of many of the European constitutions; his reading was voracious. His method of approach to his subject was somewhat similar to Machiavelli's, but with a far wider scope. He analysed the past and the present conditions of many states instead of one, and constantly compared his findings. He took much from Greek and

Roman theory, something from Christian sources and the later medieval jurists, and added copious illustrations from contemporary events. He tried to find amidst this welter of information certain laws reducing the developments and behaviour of states to an intelligible form. He presented in his results an original though confused view of the state, its origin and the nature of political obligation.

Social life to Bodin originated in the family group. This was a natural unit for the obvious reason that wherever men were found they must associate themselves with women and children. The maintenance of the family demanded property; whilst the natural inferiority and incapacity of women and children to take care of themselves demanded the exercise of full paternal control. Following Roman and Christian precedents, Bodin declared that the father had in early times a supreme power over all his children, even over life and death. This power, much circumscribed during Bodin's time by several new laws, should be re-established in full force. He was fully convinced that much of the chaos in France was due to the decay of the family which he considered to be the basis of the state. The family supported by private property and absolutely controlled by its paternal head was the primary form of government, a complete cell from which the state grew.

Bodin tantalizingly left obscure the manner in which isolated independent patriarchal groups were converted into communities composed of several families and so organized as to substitute control by the community for paternal control. He suggested that the change was brought about by conquest and by the natural necessities of life drawing families together into associations for mutual benefit. Whatever its mode of formation, Bodin implied that the state was as much a natural product as the family. It grew out of the natural impulses and needs of human life.

Once founded the state had certain peculiarities which distinguished it from other forms of association. The main attribute of the fully formed state was an absolute power to make laws and to command obedience to them from all its members. '*La souveraineté est la puissance absolut et perpétuelle d'une République.*' This was the essence of the state, without which it disintegrated into the former

loose association of families. Bodin examined the nature of this sovereignty in detail; he strove to define the term abstractly. Dissociated from circumstances it was by nature indivisible, absolute, unlimited. The assumption that it could be divided into the component parts of a state which would then form a 'mixed constitution' as suggested by Aristotle, was, Bodin pointed out, ludicrous. Once divided it ceased to be sovereignty. The form of government might be a democracy (which to Bodin was the sovereignty of the majority), an aristocracy or a monarchy. This should not obscure the fact that sovereignty could and did exist in any of such states, once, wherever it was, it remained an indivisible power to make law. Was this power in fact absolute and unlimited? Bodin declared its nature to be so, but in his application of his definition he limited it by three things: property, the family and the law of nature. Property was essential to the family which was itself the basis of the state. Neither could be infringed upon without the dissolution of the organism of the state. The right of the sovereign to tax was thus queriable; Bodin could find no solution to his dilemma between the sacrosanct nature of property and the absolute power of sovereignty. Nor could he draw a line between where the authority of the father ceased and that of the state began; did the father or the state for instance decide on the religious education of the children?

The third great limitation to sovereignty was the law of nature. What did Bodin mean by this much controverted phrase? He regarded the law of nature as the law of God which was implicit in the universe, controlling every detail of its structure and known in part to men as the knowledge of good and evil. Men then had a standard by which to judge and delimit the sovereignty of the state. The end of the well-ordered state was not merely to vaunt its independence; the end of such a state was to satisfy all human needs both material and spiritual. Government was concerned primarily with justice, defence and economics. How and when could subjects refuse obedience to the commands of the sovereign if he overstepped the bounds of the law of nature? This was the crucial question of Bodin's time. To this he gave no direct reply. He implied that rebellion was never justified; and his conception of the law of nature was something very different from the rigid rules of the religious

protagonists. It was no body of known laws to which the individual might appeal in support of his own judgment. Flexibility in the law of nature was an essential part of Bodin's philosophy. He was convinced that the law of growth operated throughout the universe. He believed that evolution took place in social institutions and the habits of man. Societies were constantly changing; the chief determining factor was climate. Bodin elaborated Dubois' vague suggestions into his famous theory of climate and its effect on social institutions and morals. The differences between countries in habits, ethical standards and intellectual development were due essentially to climatic differences. In the southern countries of Europe, men's morals were lax but their intellects alert. Only the states in the middle countries of Europe had achieved sovereignty; they alone were climatically fitted to this success. Even religion was the product of the physical environment of the inhabitants of a country. Nowhere then could there be in the nature of things one uniform system of law or morals. No one religion was possible in a world diversified by its climatic and geographical conditions. Moral values and intellectual capacity, the very foundations of religion, varied with the heat or cold, wet or dry nature of the country in which a man was born and bred.

The catholic and protestant insistence on the necessity of one faith and one uniform law of God was totally irrelevant to Bodin's political philosophy. So too was their belief in the divine nature of government. The very basis of the state to Bodin was the family, a unit formed as a result of human need and desire. Its absolute power was not given it by God to carry out the divine will, but was essentially an expression of human will. Sovereignty was the power of making law; or, in other words, the power of exercising the will of the community over its members in the interests of the community. Will not law was the characteristic of sovereignty, itself the core of the state and its distinguishing feature. Deprived of the duty of maintaining true religion as its primary function, the state no longer need persecute religion. Bodin insisted that persuasion was the better policy as men were always recalcitrant when forced. His theory of the state left religious persecution an open question of policy. It was no longer a duty incumbent on the government. Bodin had effectively released the state from its burden of divine obligations. He vindicated the

establishment of a strong rule on the basis of natural and compelling human needs. He showed the state to be a natural product, and its sovereignty part of the process of its growth. He explained and justified the variety of political institutions present in Europe, and boldly propounded a theory destructive of any notion of the one state of Christendom. He argued cogently that the natural state, natural in its origin, natural in its area, whose boundaries and laws were determined naturally by its climatic and geographical conditions, was the nation-state, all-powerful and independent of all other states.

Bodin's chief work *Six Books of the Republic* appeared in 1576 when France was still in the throes of civil war. It was widely read throughout France and Europe. But it took more than Bodin's ponderous accumulative arguments to press home to the protagonists the need for a government whose chief function was not the maintenance of true religion. Henry IV's statesmanship and the exhaustion of the country put an end at last to the chaos of the religious wars. In 1598 the Edict of Nantes embodied a principle of toleration which implied that religion and justice were no longer indissoluble, and whilst more than one religion could and did exist under one government, that government alone was responsible for the maintenance of justice and was the sole controller of jurisdiction within its area. The state assumed to itself the right to make matters easy for the consciences of its subjects. Indirectly it was claiming absolute sovereignty 'over all persons and in all causes' in its realm. The churches both Gallican and Huguenot had their positions defined by the secular government, they were subordinate to the authority of the state.

The peculiar development of the Renaissance and Reformation in England towards the end of the sixteenth century produced a theory of the absolute sovereignty of the nation-state stripped of the limitations imposed upon it by Bodin. The Renaissance was first felt in England at the beginning of the fifteenth century, but the outbreak of the Wars of the Roses destroyed all interest in the new learning for over a century. Englishmen were pre-occupied at first with the struggle for power in the fifteenth century and then with maintaining the very precarious edifice of the Tudor monarchy, the only bulwark against the flood of disorder which they had lately experienced. The absorption of the jurisdiction of the church by the state under Henry

VIII as part of his policy of a strong monarchy took place with little realization of its full significance. A few sporadic rebellions broke out and were as easily put down. Speculation naturally existed, but it was neither as passionate nor as universal in application as the views of continental writers. Sir Thomas More wrote his *Utopia*, but was beheaded for other reasons than the expression of his opinions therein. The royal power did not need to justify itself vigorously against the kind of opposition with which it met. The belief in the necessity for a strong rule permitted with little comment the publication of Thomas Gardner's *Commonwealth of England* in which he expounded at length the lawyer's attitude of the necessity for one jurisdiction in the state, and the presence of a power of command residing in the sovereign closely allied to the Roman theory of *imperium*.

This acquiescence in the *status quo* broke down in England at the end of the sixteenth century. Criticism of the government was rampant. Interest in literature had revived gradually as order was re-established. The influence of the Italian Renaissance made itself felt. Sidney composed his sonnets in Italian verse form; Shakespeare took Italian themes for many of his plays. The vigour of the humanistic learning stimulated inquiry and introduced its own set of ethical and aesthetic values. Simultaneously the full force of the Reformation struck England. The reformers who had fled the country during Mary's reign, returned from Geneva imbued with strong religious fervour. They found a church filled with abuses which had not been remedied when the state took over control. They saw no signs of the establishment of the church on the Genevan model such as they longed for. They sensed the opposition inherent in the humanistic movement which was just then intoxicating their fellow-countrymen. Everything encouraged them to oppose the Elizabethan Establishment. After 1588 the defeat of the Armada and the execution of Mary Stuart removed the danger from Spain and its corollary the constant conspiracies circling round the rival claimants for the throne. The *raison d'être* of the Tudor dictatorship as a bulwark against foreign and domestic dangers was gone. Parliament became restive under the dictatorial ways of the ageing queen; presbyterianism became passionately active throughout the country as a rival to the queen's ecclesiastical system. Religious and constitutional opposition

informed by religious emotions and the new spirit of freedom culled from humanism awaited the successor to the throne.

The early events of James I's reign precipitated this criticism into a controversy in which the conception of national sovereignty was further developed. The presence of a large number of catholics acknowledging a lukewarm obedience to the monarch had long embarrassed the government. The gunpowder plot, a demonstration of a few catholic extremists, gave the government the opportunity to impose a test on the catholics in order to sort out the loyal subjects from the disloyal. The government formulated at once a special oath of allegiance and required catholics to assent to it. The pope refused to allow the catholics to take it as he maintained this oath removed his spiritual control over his English flock. Immediately a fierce controversy broke out involving some of the finest writers throughout Europe. The issues at stake were of universal interest to all European countries desiring national independence. A ruler had demanded an assurance from his subjects necessary to the maintenance of order within his realm, and the pope had interfered in this domestic situation and was opposing the simple maintenance of order. By what right did the pope claim such powers? Was a nation never to have any independence whatsoever from outside foreign control? Must it submit its security and well-being into the hands of the Roman pontiff and order its laws and its system of jurisdiction in which the taking of oaths was a primary procedure according to the dictates of an alien patriarch? The claims of the pope amounted to a claim to subordinate the nation-state to the control of the catholic church. No European ruler could remain silent under such provocation. The controversy over the English oath of allegiance exercised European ingenuity for over ten years. Its outcome in England was the recognition of an absolute irresponsible sovereignty within the state more complete than any suggested since the Reformation.

It was an axiom of the Reformation that all governments existed for the maintenance of the law of God. To this catholics and calvinists alike ardently subscribed. The struggle centred in the meaning of the real law of God. The catholics declared the church was the residuary legatee of this law and could interpret its difficulties to its members; the calvinists believed that the bible needed no interpretation; so they

hoped to escape from the authoritative statements of the catholic church on questions of right and justice. In the controversy over the oath of allegiance in England the battle raged round this question of interpretation of the divine law. Whoever interpreted the divine law was *ipso facto* the final judge of the validity of all law governing human action. This was accepted by all parties. Each struggled to prove their side held the magic power to declare what was valid law and to dictate rules to the secular government to circumscribe its actions. The secular power, it was agreed, administered the law; who interpreted it? If it was the pope then he was the king's master; if the calvinists through the *Institutes* then they would control the king. National pride forbade the first; James's personal pride the second. The defendants of the king declared instead that the king himself was the interpreter. He declared and administered what was the law of God. He was the fountain-head of justice as the lawyers had constantly declared for some centuries; this was interpreted to mean that he had power to discern what was just and to enforce it. Practically, all jurisdiction in the realm was royal jurisdiction. The ecclesiastical courts were royal courts. Furthermore, any court could be set up by the king and must be both legal and just. To reject the validity of such courts was to impugn the majesty of the king and the law of God. The reaction against the suggested control by the papacy threw many Englishmen into a full-fledged theory of royal absolutism. The defendants of the king automatically justified the arbitrary courts of Star Chamber and High Commission. They forged a weapon against the catholic attacks from without and the calvanistic and constitutional attacks from within. The theory of the divine right of kings was an elaboration of the Tudor theory of royal supremacy in the direction of a more fundamental control. For the exponents of the divine right theory extended the Tudors' royal supremacy from its negative position of independence from foreign control to the Stuarts' positive assertion that the king alone could interpret what was just, he alone had an intimate control over the consciences of his subjects.

The controversy over the oath of allegiance produced in England and parts of the continent a theory of royal supremacy fit to reject papal pretensions by the addition of a new function to the state, the interpretation of the law of God by its divinely chosen head. The

divine institution of the ruler was essential to this theory of absolutism. Only by divine almost mystical right could he claim to be sole discerner of good and evil, justice and injustice, for his whole realm. The theory of divine right of kingship was the coping stone to the edifice of national independence and sovereignty. Not only was the state bound to administer the law of God and promote true religion; but it declared, through its head, what that law was, what true religion meant. There were as many true religions in Europe as there were sovereign independent monarchical states. This was the devastating implication in a nationalism so closely associated with divinity. Therein lay its weakness. Few of the sincerely religious would concede such portentous rights to any secular ruler. In the early years of the seventeenth century in England, every one from anabaptist to sober member of parliament claimed for his section a divine institution, and a consequent power to interpret the law of God. These irreconcilable claims to absolute power made a clash inevitable. The chaos of imminent civil war instigated many Englishmen to attempt, as they knew Bodin had done for France, the disentanglement of the state from its religious trammels. Amongst these Hobbes was pre-eminent.

Thomas Hobbes produced several works on law and politics during the civil war. He developed in these a theory of absolute sovereignty divorced from religion. He went further than Bodin in his attempt to describe a sovereignty totally unlimited by any constriction. He was particularly anxious to destroy the pretensions to criticism which were being made in England by advocates of religious toleration and political liberty. He saw in the claims of the individual to know the good the seeds of complete anarchy when every individual asserted his power to judge the actions of the state by this inner criterion of justice. He was aware, in the medley of religious sects which flourished in England at this time, that the good and the just had as many meanings as there were sects. He rejected the divine right theory of government built on the shifting sands of private conscience open to every change in religious opinion; he chose rather to base his political theory on the rocklike foundation of an incontrovertible view of human nature in which conscience was the product of the state, not the state of conscience. Written in the middle of the seven-

teenth century, the *Leviathan* was a belated remark in the Reformation controversy between national state and multiple church. It was the last great defence of the nation-state. By the time it was written events had moved away from this issue, but Hobbes was an old man commenting on the exciting problems of his youth. Hobbes was intent to prove the supremacy of the nation-state over all its subjects; incidentally he established its claim to absolute independence from all external control. He set up the nation-state as a self-contained unit deciding for itself what was just and unjust. His greatest difficulty was to eradicate the conception of the right of the individual to define the limits of his own obedience to the state, and also the conception that the individual could rely on a power external to that of the state for the making of his decisions on this same point. In both cases the individual had pointed to a law above the state controlling its every action and limiting its claim to absolute authority. Hobbes strove to show that any such statement was based on false foundations. He insisted that the state alone was the creator and judge of such laws as controlled the action of men.

Hobbes began with an acute analysis of human nature. Enlarging the accepted calvinistic doctrines of the nature of man he declared man to be utterly devoid of any sense of right and wrong before social bonds were formed. In the state of nature every man was out for his own ends, to fulfil his own desires which were insatiable. No laws existed to curb his innate selfishness, as the laws were the product of society, and Hobbes was dealing with a pre-social condition. His later definition of law precluded it from constraining men in the state of nature. If every man continued to strive only for himself then the clash of unrelated wills would inevitably end in a state of complete confusion, where the life of man became 'solitary, poore, nasty, brutish and short'. The last qualification weighed most with Hobbes. A non-social condition led to precariousness of life; the fear of insecurity dogged the footsteps of natural man. It instigated him to use his natural capacities to discover some means to escape from the uncertainties of his life; he formulated certain principles which he found expedient to guide not only his own life but those of his fellow men, principles which would curb their insatiable desires in order to promote security, the primary need before any desires might be fulfilled.

These principles resting on the general rule 'to love your neighbour as yourself' were described as 'laws of nature'. But they were in no way binding with the force of real law, because Hobbes believed no law binding until it had brute force behind it. In a state of nature the only brute force that existed was so much as was contained in the personal capacity of one man; no union of strengths had taken place which could be used to support the initial 'laws of nature'. Nor were these laws binding on the conscience, because man in the state of nature had no conscience. Sensitiveness to justice and injustice could only exist where the standard of justice was clearly known to men; but justice was the attribute of law, and law only came into existence with the establishment of society. Man of himself had no idea of right and wrong nor of the just and unjust. Fear drove him onwards, insecurity lurked everywhere, insatiable desires drove him to seek their satisfaction at the expense of his security with whatever wiles or physical strength he had at his command. Mutual trust was impossible amongst individuals who each recognized but his own desires antagonistic to and overlapping every other man's.

The rules of expediency indicated a way of escape from this impossible predicament. All the members of a would-be community, save the man or group of men destined to be the future rulers, must lay down their natural right to enforce their respective wills on others. Those recognized as rulers retained their original activity over the now passive remainder of the community. With the removal of the competing wills of every man out for his own satisfaction, those left in authority had a monopoly of all power. By a species of cessation rather than delegation or contract, Hobbes erected the government of a community making it all powerful and of the dimensions of a leviathan. The governing body now had unlimited power and could establish laws necessary to obtain security for itself and its subjects. These laws were the only laws Hobbes recognized as binding on man. For men being what they were would only yield obedience through fear. Laws to be binding must be supported by paramount force. The establishment of laws was tantamount to the establishment of justice; Hobbes identified positive law and justice as the early lawyers had done. It was just to do that which led to security, and the laws of the state were established to maintain security, hence justice and

state law were identical. No criterion outside the state could judge the state; no criterion set up by the individual could be a criticism of the state; the state alone was the establisher of law and of the norm of justice within its boundaries.

Several difficulties confronted Hobbes as a result of this theory of the origin of the state. In the first place, in the original establishment of the leviathan the principles of nature were not binding according to definition, yet they had forced men to establish the state and to keep to their original cessation of power. Before the accumulation of force in one place which alone could coerce men into obedience, men had agreed to obey the 'law' of nature and to keep to it as though it had coercive powers inherent in itself. Hobbes took over scientific assumptions on natural law, asserted they were non-moral, yet paradoxically treated them as paramountly binding and imbued with a certain moral quality. The same confusion between calvinist and scientist appeared in his theory of the state. As a professing calvinist Hobbes cogently denied men any capacity to help themselves; they were as much automata as the wheels of a clock. The state under such conditions was a superstructure arbitrarily imposed on these helpless beings in a way very similar to the Christian ideal of government as a convention of divine establishment. Yet whilst asserting that the state was an artificial superstructure, Hobbes still maintained that it was primarily activated by an evolution of natural principles emanating from some forces active amongst men living in 'the state of nature'. Which was it really; a natural organism as reliance on natural law suggested; or a conventional superimposition as Hobbes' view of human psychology indicated it must be? On this distinction manifestly left in confusion by Hobbes rested the possibility of refusing obedience to the commands of the state after its establishment. Again Hobbes was faced with difficulties. Once the state was established, individuals had seceded from their respective rights to resist its authority. Yet Hobbes maintained that the original right, the primary law of nature, to preserve one's life, persisted after the close of the pre-society condition and allowed a man within the state to resist the commands of authority, if and when they threatened his life. Hobbes in the name of a natural right countenanced conspiracies and successful rebellion if undertaken in the name of the maintenance of

security and justified by the duty to preserve one's life. When the established government failed to keep the peace, its initial duty, then its absolute power passed into the hands of those who were more capable of performing this duty. Success was the only criterion of a lawful government. Hobbes was reticent of the difficulties of the transitional period. To whom did the subjects owe obedience when success hung in the balance? Hobbes was more concerned with the power of government (as established in Tudor days) than with the vagaries of a condition of civil war.

Hobbes' theory of the state satisfied no one at the time. The royalists hated his justification of rebellion; the parliamentarians his preference for a monarchy as the best form of government to utilize the absolute power which he showed was essential to the existence of the state. The religiously minded objected to his denial of the divine elements in human politics, and deeply resented the bold manner in which he presented the consequences of the contemporary divine right theory of government stripped of its mystical pomposity. His uncompromising insistence on facing the logical consequences of many of his assertions appalled less clear thinkers and earned him almost universal hatred or fear. He was attacked everywhere as an atheist and a scoundrel. He had shown as a logical consequence to the calvinistic premise that men were incapable of moral decision, that such decisions must be made for them if social activities were to persist. He pointed out that the state must undertake this function of creating moral values and enforcing them; that the controversy over the merits of different religions was irrelevant, for the state must decide what was right and true and the function of the church was merely to administer the rules of the state in the particular department devoted to ecclesiastical affairs. The ministers of the church as under the Tudor regime were regarded as royal nominees. They did not and could not in the nature of the case uphold a law superior to the civil law of the land; no such law existed; they merely administered a branch of the law which was created by leviathan. The struggle between the two rival jurisdictions was easily resolved in favour of the secular government. Nor did Hobbes hesitate to recognize that this triumph of the nation-state over its ancient rival the universal church left Europe infested with sovereign states whose respective rights to

security were repeatedly conflicting and theoretically were incapable of solution. For no law existed outside the state. Each state created its own law, its own norm of justice; and the security of any state might easily impinge upon that of another. No common ideal could reconcile the independent sovereign wills of two rival states. 'Kings, and persons of soveraigne authority, because of their independency, are in continuall jealousies, and in the state and posture of gladiators; having their weapons pointing and their eyes fixed on one another; . . . which is a posture of war.' The state of anarchy which the leviathan was created to remove within the nation persisted in international relations.

The works of Machiavelli, Bodin and Hobbes are commentaries on different stages and aspects of the development of the idea of the nation-state. There was an almost universal acceptance at the end of the sixteenth century of Machiavelli's ideal of the state as containing the final aspirations and demanding the whole-hearted devotion of its citizens. Machiavelli showed patriotism as the supreme political virtue; he was unconcerned with the problem of a divided loyalty in the hearts of his citizens. Before the Reformation he could easily ignore the feeble protests made by a renaissance conscience. The revival of religious enthusiasm in the Reformation introduced a strong rival to the religion of patriotism. But the progress of events and ideas in the sixteenth century showed that the Reformation contained its own antidote to its poison of religious enthusiasm. It suggested methods of quietening the consciences of the people into complete subservience to their rulers. It gave the secular authorities their opportunity to extend their power over the souls and bodies of their subjects, and to give the final blow to their age-long rival the church. The triumph of the secular authorities over the church was purchased at the price of the independence of the citizens. The republic of the people beloved by Machiavelli was obliterated by the leviathan of Hobbes. The government was exalted over the state; the penetrating 'voyce of the people' was reduced to a whisper of subservience. So Bodin was mainly concerned with the problem of political authority, and strove to show that the sovereignty of the state gave over an absolute unlimited power to command and create law into the hands of the rulers. So Hobbes extended the functions of government beyond the

administration of law and even its creation to the implanting of a sense of justice within the hearts of potential citizens. Neither writer would countenance any form of religion which claimed the right to limit the sovereignty of the state and to rival the claims to secular obedience by the more potent claims of obedience to God. To meet these attacks both writers endowed the state with a claim to a complete devotion of its citizens; infused patriotism with the undying fire of a holy zeal; and transferred to the secular authorities inalienable rights to control the consciences of its subjects. Bodin asserted that morals and religion were as much the natural product of climate as the state itself; a climate which produced a certain type of government could not produce at one and the same time a form of religion and a code of morals antagonistic and subversive to that government. Religion could not by its nature be a rival to the secular authority. In any case sovereignty, the mainstay of the state itself, demanded that the allegiance of the subject should be indivisible, absolute. Hobbes, in maintaining that the state itself created the sense of justice, was asserting that the state created morals and religion was but the attendant pomp attached to the maintenance of the moral system. In either case religion had become the handmaid to the absolute sovereign residing in each nation-state.

The results of this exaltation of each nation were far-reaching. The nation was a separate independent body declaring its own code of morals and its own religion. The disintegration of the universal church into several national churches each intolerant of the other involved the disappearance of a very real sense of obligation based on the all-pervading law of God. Europe resolved itself into multitudinous sovereign states whose claims to independence were incompatible with the acceptance of any limiting general law. There was no common acceptable basis for a system of international law. International relations openly became, as Machiavelli had foreseen, a struggle between a-moral communities in which ingenuity and guile were the necessary virtues for success, and they were perpetually, as Hobbes said, in a posture of war. The triumph of the nation-state was the downfall of any immediate hope of internationalism. The works of the Spaniard Victoria and the Dutchman Grotius, amongst others, showed the apprehensions and difficulties of this subject to contem-

poraries. Internally this triumph was associated with the annihilation in theory of any form of constitutionalism. The idea of sovereignty was not in itself incompatible with the rule of the people; but the particular form which it took in the sixteenth century negated the development of responsible citizenship. Rigorous subjection of the individual to the sovereignty of the state was the only adequate reply at the moment in the interests of order to the disintegrating effects of the Renaissance activated after 1519 by the dynamic forces of a religious revival.

CHAPTER IX

INDIVIDUAL LIBERTY AND THE GROWTH OF CONSTITUTIONALISM

THE development of a comprehensive theory of religious and political liberty was, paradoxically enough, the peculiar product of the age of the triumph of national absolutism. The reaction into autocracy was symptomatic of the presence of strong anarchical elements. The perpetual refusal of the multiplicity of religious sects to recognize the authority of the nation-state over what they considered to be the law of God remained a thorn in the side of the body politic around which an incurable inflammation set in. The cancerous growth thus started by this primary claim for freedom of conscience to obey the law of God developed into a healthy life of its own during the sixteenth century and blossomed out in the seventeenth century into an elaborate theory of the state almost completely different in assumptions and detailed structure from its antagonist the absolutist state. The right to religious freedom led to an assertion of political liberty, which stimulated the growth of democratic conceptions of representation and popular control and the postulation of a contract theory of the state involving a constitutional form of government. But these conceptions were not formulated until certain intellectual and emotional inhibitions were overcome. Nor were they generally accepted as important until in England the particular circumstances of the civil war gave a unique opportunity for their practical demonstration. The progress of the development of the ideas of liberty and constitutionalism was twofold: the prevalent assumptions about the nature of man and the end of the state were first revised and then redefined; the application of these new assumptions to practical politics was then attempted and their significance amplified. The first with sporadic suggestions of its practical implications took place on the continent in the latter half of the sixteenth century and the beginning of the seventeenth; the second was the direct product of the English civil war.

The belief in the dignity of human nature particularly emphasized in the Renaissance was not entirely suppressed during the reaction occasioned by the Reformation. Indeed it was in some ways slightly enhanced, though for the most part it was much complicated by the addition of religious fervour. The anabaptists in Germany adopted the same attitude towards religion suggested in Luther's early defiance of papal authority. They continued in the path from which he had quickly fled. Influenced strongly by the mysticism which had affected Nicolas of Cusa and Luther himself they believed in a form of religion essentially non-authoritarian; they emphatically maintained that the individual was the final source of inspiration. No one could act against the dictates of his own conscience; no one had the right to try to force anyone so to act. The anabaptists in the light of this conviction refused to admit that the civil magistrates could exercise any kind of force whatsoever. Force, because it might impair the free action of conscience, was unjustifiable. So the anabaptists passively refused obedience to the commands of any authority in the state which might impinge on their conscientious scruples; so they declared that war, which was the epitome of the use of force by the civil magistrate, was fundamentally wrong, and they themselves refused to take up arms in any cause. They scoffed not only at particular authorities but at all authority whose weapon was the force of arms. So they decried the validity of all courts of law and their procedure based on fear of penalties and the binding of the conscience by oaths. Liberty of conscience as held by the anabaptists became synonymous with licentiousness, for to no human regulation or authority would this sect submit themselves. Anabaptism became a term of deep reproach; despite the fact that the sect quickly settled down after the first few years of extremist activity into peaceable citizens who in practice only refused obedience to the magistrates under grave provocation.

The administrative difficulty apparent in the treatment of the anabaptists formed a serious complication in the struggle for religious liberty. Religious liberty seemed at first totally impracticable. Luther's and Henry VIII's actions over their marriages were typical examples of the kind of difficulty and scandal arising from a rejection of the accepted authorities and their law courts. The monk, Luther,

having defied papal authority, having denied the validity of canon law administered in the ecclesiastical courts under papal control, felt he was not acting illegally to marry a nun whose vows with his own were sacred by a law he had repudiated. But by what law was his marriage valid and his children his legitimate heirs? Similarly Henry VIII having repudiated the authority of the pope over his first marriage had hastily to trump up another court whose authority he hoped would be accepted as sufficiently valid to prevent the undermining of the legitimacy of his heirs to the throne. In practice new courts were necessary to take the place of the old ecclesiastical courts if the authority lying behind those courts was repudiated by the individual or the state. Even if new courts were established the difficulty was not overcome, for the individual might at any moment become recalcitrant and refuse to acknowledge the authority of the court. With the multiplication of sects in Europe, each state was faced by a multitude of groups each claiming that they alone knew the law of God and the limits to which state action might go. The exact limits were undefined and created a no-man's-land of bitter controversy between the secular authority and the variety of religious authorities springing up like mushrooms overnight in every state. The old difficulty of the separation of the powers was revived in a new and more acute form. Innumerable sects and even individuals claimed the right to act according to a law known in its perfection to themselves alone. The Reformation as Calvin perceived pointed the way to pure anarchy. The licentiousness which accompanied the religious transports and the cruelty of the civil wars in France did much to enhance this impression and further to discredit the idea of liberty of conscience. The popular conviction that a clear view of the law of God was ascertainable either through the catholic church or in the bible or through divinely appointed governments made it even more difficult to prefer the instabilities of individual interpretations. So long as men believed that somewhere the right law existed without ambiguity, so long no one desired to sacrifice the certainty of well-known authorities for the vagaries of unknown mystic revelations.

The case of Servetus in the middle of the sixteenth century shook the complacent acceptance of this belief in the commensurable character of the law of God. The controversy which it provoked

flashed the theme of religious liberty from the obscurity of the anabaptists' practices into the limelight of European thought. It earned for the cause of religious liberty the publicity it had hitherto lacked. Calvin himself entered the controversy to defend a position that had suddenly become extremely precarious. The case was one of pure heresy uncontaminated by political issues. The question of religious liberty was discussed on its own merits. The Spaniard Servetus was burnt on the charge of heresy by the command of Calvin himself in Geneva. There was no secondary charge of sedition or any political motive for the execution. Servetus' crime had been to dare to throw doubt on the validity of the *Institutes*; as a scholar he had given his own comments on biblical texts. They were not always the same as Calvin's. Calvin at the hubbub raised after the execution felt it necessary to justify his action; he immediately published a work on the necessity of stamping out heresy and the righteousness of maintaining true religion by the sword. His whole philosophy justified religious persecution.

Castellion, a professor at Basle, replied to Calvin in a work which immediately became the textbook of all those in favour of religious toleration. He revived the views held by the renaissance humanists before the zeal of the Reformation had contorted men's minds. The influence of Erasmus and the German mystics was clearly visible. Castellion made two assertions as preliminaries to the development of his conception of religious liberty. They constituted a complete break with the prevalent assumptions of his day. First he declared that theological speculation had always been very obscure and vague. Nothing definite could ever be said about the real nature of the deity. By this statement (as Beza, a disciple of Calvin's, pointed out in his reply to Castellion), Castellion was denying that God had ever revealed his will adequately to man. Man must be for ever wandering in the mists of uncertainty. To the orthodox calvinists, who at the same time believed that man was utterly vicious, this statement was tantamount to a declaration of the utter destruction of all human society. But Castellion did not hold to the calvinistic conception of human nature. Secondly he asserted that seeing the doubtfulness of all theological systems all that was required of men by God was that each man should sincerely seek to find out the truth and live

accordingly. Man must seek by the use of his reason to discover the norm of conduct by which he must live. In short, bereft of the direct revelation and aid of God, man was forced to rely on his own qualities to guide him through life. He must evolve his own morality and religion by means of his own efforts, not by the external doubtful media of churches or inspired writings. To execute a man because he clung to his convictions in which he sincerely believed as Servetus had done was to strike at the root of all morality and religion. To force a man to deny himself was to destroy his only means of salvation. The ultimate rightness or wrongness of a man's convictions could not be decided by any of his earthly compeers, whose knowledge of ultimate truth was also limited. This must be left to God. On earth men were only concerned with making it possible for their fellows sincerely to live up to their inward convictions. This belief in the part which the conscience of the individual played in the structure of society, morality and religion was in complete antipathy to calvinistic sentiment and principle. A proper doubtfulness, he maintained re-echoing Cusanus' views, was the essential condition to the attainment of all knowledge. No wonder that Calvin tried his utmost to get Castellion dismissed from Basle university. No wonder that the book roused fierce controversy for years amongst orthodox calvinists and catholics; and that Castellion has had to bear the stigma of scepticism as the result of his enunciation of a supreme faith in the powers of the individual to attain his ultimate salvation without the aid of external authorities.

Many political thinkers and practical politicians arrived at Castellion's belief in the undesirability of persecution but from quite different premises. Castellion as a convinced believer attacked persecution on the grounds of its detrimental effect on sincere religious development. Increasing scepticism supplied other reasons for the rejection of persecution as a function of the state. The well-known sceptic Acontius propounded the view that magistrates could not use force to crush out heresy as no one could ever be certain about the meaning of heresy. Unless the truth were clearly known, a falling away from the truth could not be ascertained. Acontius looking out from Geneva on the Europe of 1560 was hard put to it to say which of the many churches then existing had the right to claim to be the

only true church. As Castellion had pointed out if every state in Europe had the true religion established within its bounds and the right to force all within its borders to believe that truth, what would be the predicament of a traveller through Europe? in Italy he must believe one thing, in Geneva another, in France a third and so on in every country. In 1555 the Treaty of Augsburg had aptly described the situation '*cujus regio ejus religio*'. In view of this situation Acontius declared emphatically that civil magistrates were no more capable of judging the merits of the different churches than any other men; they had no justification for putting people to death on a dubious charge. The end of the state was not to maintain true religion; the truth about religion was an unknown quantity.

The practical experiences of the civil wars were driving home the same conclusion to the politicians struggling to find some solution for the orderly management of the conflicting sects in France. The group known as *Les Politiques* rapidly formed, comprising most alien elements of protestants and catholics, and even informal religionists like Bodin, who were agreed on one point, that the burden of enforcing true religion was too much for the state. The performance of this duty resulted, as they perceived, in the complete breakdown of all government. The civil magistrate, they felt, was not the right person to decide between the claims of the different churches to be the true one. The responsibility of such a choice was too onerous to be borne. A duty to do something implied the capacity to perform it. But the state had not this capacity. Its function was not the maintenance of true religion in its pristine unity. Order and peace were its primary concerns. If the exigencies of the situation in restoring order required the existence of more than one religion in the state, then it was justifiable for the state to tolerate these several religions. So *Les Politiques* publicly advocated the adoption of legal toleration to restore order to distracted France. The end of the state was no longer the maintenance of the law of God in its twofold division of religion and justice. The aim of political association was to establish and maintain the security necessary to the existence of its subjects and itself. But security as Bodin at once perceived was not an end in itself. The emergencies in France urged political thinkers to deny the old conceptions of the end of the state, but did not encourage them to think

out a satisfying new end to society. Security was not positive enough. The need for order enabled Henry IV to pass the Edict of Nantes in 1598 granting a measure of toleration to the Huguenots. But the edict was always precarious, based on the assumption that it only existed to promote order. The moment the government felt strong enough there was no expressed reason why they should feel bound to honour their word. In the seventeenth century in France, advantage was taken by the anti-protestants of this barren form of toleration, and the edict was revoked about one hundred years later at the height of Louis XIV's power. The granting of a measure of legal toleration in France as in Germany in the middle of the sixteenth century resulted from the exigencies of the moment not from the development of a comprehensive theory of the right to freedom of conscience in matters of religion. It was a price begrudgingly paid for the benefit of the restoration of order in an exhausted and distracted country. A tenuous principle of expediency precariously supported the Edict of Nantes.

A far more cogent argument against religious persecution was supplied by a further revival of the humanistic belief in the dignity of human nature. The tentative suggestions of Castellion were elaborated by Arminius and his followers into a profound theological system of thought during the famous controversy over free will and predestination which broke out in Holland at the end of the sixteenth century. Arminius was called upon by the calvinists about 1590 to refute certain unorthodox suggestions impugning the omnipotence of God which had arisen through expositions of Acontius' idea. Arminius found his own faith in this dogma considerably shaken and was unable to proceed with the refutation. His study of the relation of divine omnipotency with human frailty led him to conclusions in direct contradiction to orthodox Calvinism. Arminius rejected the calvanistic belief in God as a supreme law-giver prescribing the minutest details for human beings incapable of any good action whatsoever. The very nature of God he asserted forbade the idea of omnipotent force crushing out humanity. God was a loving father not a ruthless taskmaster demanding unswerving obedience from a mechanical universe. Nor did Arminius find it possible to maintain the doctrine of the omnipotence of God in face of the problem of evil.

The arminians were horrified at the statements of some of their extreme antagonists who did not shirk the conclusion that the omnipotence of God made him logically the author of evil. The problem of evil and a renewed belief in God as a mysterious loving presence communing with men not dictating to them alike drove Arminius to the conclusion that men had some measure of free will. Free will was necessary in order to account for human sin and human capacity to commune with God. The essence of the relationship between God and man was love not force. To force a conscience into a groove by sheer might and fear was to destroy this relationship at its root. Man must have left him some measure of choice to give his approach to God its proper value as an act of free will. An automaton predestined to every act would give no satisfaction to a deity who sought for love from his creatures. Man was no longer held to be a totally vitiated creature; he had a power of choice centring in his conscience, this gave him his knowledge of good and evil from which to choose. He was no longer the possessor of 'the stinking puddle of a private conscience' (as a contemporary catholic tersely expressed it) but was in possession of the priceless gift of free will by which he should obtain his salvation.

This elevation of man from the contemptible object of calvinistic and counter-reformation nightmares did not involve the proportional diminution of the goodness and grace of God. As Arminius vividly explained, the relationship between God and the unregenerate soul was somewhat like the relations between a beggar and a rich man who in his graciousness gave alms to the beggar, but the beggar had to make the one act of raising his arm and taking the gift so offered. Man must choose to accept grace; it was not automatically conferred on the elect and kept back from the damned as the orthodox calvinists maintained. Nor was Arminius deterred from his belief in free will by the consequences which his opponents suggested were entailed in such a doctrine. Was it possible to believe, they argued, that the omnipotent will of God was limited by the microscopic will of every minute individual? Was this not, as an English writer on the same theme asserted, to impugn against God and giantlike to fight against the majesty and might of the Omnipotent One? The arminians refused to define the exact limits of man's subservience to God

demanded by their opponents. They accepted rather a mystical interpretation of religion. They relied on the continuous informative presence of the divine rather than a detailed list of laws from the past to direct their actions. Consequently they no longer held to the belief that the rules laid down in the bible for ecclesiastical matters were final and complete. The absolute authority of the bible, the theocratic basis of the state held by the calvinists, the incapacity of man by which such state absolutism was justified, were all shaken by the arminians' challenge of the fundamentals of calvinistic theology.

The attack on the arminian heresy was immediate and drastic. The calvinists ably supported by the Prince of Orange with his monarchical ambitions set to work not only to denounce the arminians in pulpit and pamphlet but launched forth on a persecuting campaign. The arminian tenets of faith were pronounced anathema in 1618 in the Synod of Dort and the majority of the Dutch provinces joined in a renewed profession of faith in a rigid confession drawn up at this time. In 1619 Oldenbarneveldt, the tolerant supporter of the arminians and the dangerous political rival of the Prince of Orange, was put to death with only a show of judicial procedure. For some years the majority of the Dutch became predominantly and rigidly calvinistic.

The arminian faith was in no wise obliterated by this momentary triumph of the reactionary forces. The scattered remnants of the sect withdrew into the more tolerant provinces and continued vehemently to uphold the principle of free will and liberty of conscience in the more congenial atmosphere of the opponents of the Orange monarchy. Arminianism in the United Provinces became associated rapidly with opposition to the extension of monarchical absolutism. The publicity gained by the Synod of Dort spread the heresy even further. The English bishops sent by James I to refute the new doctrine returned home doubtful of the validity of their position. A few years later some of the most eminent ecclesiastics of the English church subscribed openly to the doctrine of free will. The anabaptists in Holland became further contaminated with the new heresy. Their contact with some English exiles spread the epidemic. These English se-baptists returned to London in 1612 fully convinced of the necessity of religious liberty and the right to freedom of conscience. They estab-

lished their form of religion on a congregational basis of government, and founded the Independent movement in England. Through the sects and through the Establishment the disintegrating tolerance of Arminianism sapped the foundations of absolutism and intolerance in England.

The cause of religious liberty gained much by its contact with this theological dispute. The accusation of licentiousness could hardly be sustained against a doctrine of free will which was justified on the broad and profound basis of the very nature of the Deity himself. However much Arminianism was disliked, it could not be perfunctorily dismissed. Some of the ablest men of the period were persuaded that its tenets, particularly its belief in human reason and goodness, were worthy of respect. The reasonableness of Erasmus had borne fruit in the theology of Arminius, who justified his intense religious emotion in a highly rational system of thought. Liberty of conscience became associated with a belief in the reasonableness of man and his power to choose and act on his own responsibility. The plea for freedom of conscience was no longer sporadic; it had become a broad stream gathering to itself scholars, theologians, politicians and the humble persecuted sects. All for a variety of reasons agreed that the conscience of man must be free to act according to its inner light. By the beginning of the seventeenth century on the continent a principle of toleration was formulated and in some degree practically demonstrated.

Neither in France nor in the United Provinces did the acceptance of religious toleration lead spontaneously to the development of political liberty. In France the politico-religious wars were essentially a movement for the breaking away of a part of the kingdom. The Edict of Nantes recognized this fact. It created the Huguenots into a state within the state. The protestants did not participate in the general government of France, but withdrew into their strongholds and governed themselves. They were not concerned with the rights of individuals but with the rights of their group. The French government accorded the benefit of freedom of worship to an organization not to the individuals within that organization. Similarly in the United Provinces the question of individual religious or political liberty was not advocated nor would it have been attended with any

success. The seven provinces struggled with each other to maintain their own rights. But the rights of their individual citizens were not in question. The struggle in the United Provinces was between rival organizations, and after the death of Oldenbarneveldt the tolerant party slowly yielded before the encroachment of the monarchical house of Orange.

The course of events in England in the seventeenth century determined that the theme of religious liberty should expand into a theory of political liberty and constitutional government. The renaissance belief in humanity persisted in England despite the zeal of the returned exiles from Geneva in Elizabeth's reign. The moment when the religious enthusiasm of the Reformation first struck England coincided with a literary renaissance of unparalleled force. The Elizabethan poets and playwrights in their exuberance mocked at the restraint advocated by the reformers seeking a sterner repressive way of life. Their delight in liberty was scarcely reproved before reinforcements appeared from an unexpected quarter. Repercussions of the arminian controversy were felt at the English universities from 1596 onwards. The doctrine of the vileness of human nature was attacked before it became deeply rooted. The spread of Arminianism in England, both through the sects and the Establishment, further emphasized the importance of the individual's judgment. By the seventeenth century contact with this form of Dutch religion and its inherent mysticism resulted in an outburst of lovely religious poetry in England infused with a spirit of individuality and a scorn of set forms. The form and the spirit were symptomatic of a trend of thought still inconspicuous but growing in volume.

The belief in human faculties was endorsed under Elizabeth by many of her leading statesmen and thinkers. Though divine right of government was the current philosophy of the state, the demand of the Genevan reformers for a form of church government similar to that laid down in the bible by divine will provoked the Elizabethan politicians into a defence of the queen's ecclesiastical settlement on grounds of human wisdom only remotely connected with divine right. Francis Bacon was not alone in maintaining that ecclesiastical matters could be divided into two categories. Those which concerned the fundamentals of faith were 'things essential' to salvation; those which

concerned the outward governance and matters of detail were 'things indifferent' to salvation. Things essential could not be altered by men, they were under the governance of God, but things indifferent were left to the judgment of men who were quite capable of dealing with these details with the aid of their own natural abilities. Indeed, Bacon asserted, the nature of all government was to obey the laws of change and decay; it was essential in ecclesiastical as well as civil politics for men to have the power to adjust the structure of government to meet this inherent decadence. By the very nature of government men must and did have the power to order and adjust social activities. Amongst 'things indifferent' to salvation government held supreme place. Bacon was approaching a recognition that the state was not concerned with true religion.

The gentle Hooker irritated by the fanaticism of the cavillers at established law a few years later defended the action of the Elizabethan government in his subsequently much quoted *Laws of Ecclesiastical Policy*. Hooker denied that men must wait cap in hand for divine inspiration of every one of their acts; he perceived men as endowed with faculties enabling them to govern their own actions. He pointed out the absurd position into which the reformers had put themselves when declaring that all lawful church government could only be according to the ecclesiastical form which they advocated from the bible. What, he asked scornfully, had happened to the church for the fifteen hundred years after Christ's death and before the discovery of the zealots of this, the right form of church government? Had there been then no church? Then what of the faithful? Hooker in answering his own questions argued that humanity did not depend only on scripture for its guide. Reason and experience aided by scripture indicated the path of righteousness. Reason was the essential characteristic of human nature by which mankind came to acceptable decisions. These decisions were binding as reason was a divine faculty pertaining also to the nature of the Deity. Laws were established by the considered judgment of men informed by their reasoning powers. Laws were the very fabric of the state. So the authority of the state proceeded from the reasonableness of its commands which extracted recognition and obedience from a rational populace. Reason, it was true, was open to error, but the aggregate

of individual reasons in a state was less likely to be blatantly erroneous than the separate judgments of single men. The ecclesiastical polity of the church was built by generations of holy men who after considered judgments had ascertained the best form of church government. Hooker's main objective was to establish the proof that the governance of the church could not be left to these zealots for 'when they and their Bibles were alone together, what strange fantastical opinion soever at any time entered their heads, their use was to think the Spirit taught it them'. Hooker deprecated this claim for direct inspiration which was spreading alarmingly throughout England as religious enthusiasm increased. He saw in the growth of fanaticism a danger to the 'sweet reasonableness' of which he was so powerful an advocate, and a threat to the flexibility of government by which alone the state and the Elizabethan church settlement might hope to survive. Hooker's fears were only too well grounded. The accession of James I introduced into the government the rigidity which its former supporters had deprecated. 'Sweet reasonableness' was eclipsed by a fanaticism that momentarily overwhelmed England. Hooker's work though no longer representing the predominant attitude to affairs of state was much read and quoted by a minority. Its influence was great later in the seventeenth century when the violent passions of the civil war had spent themselves.

Both Hooker and Bacon emphasized the power of men to assist in the details and management of public affairs. This proposition accorded well with the aspirations of a new body of potential governors. Revived at first to give a semblance of popular approval to the royal acts, Parliament slowly accumulated a measure of political experience which instigated its members to desire complete control of the government. Freedom of speech, privileges of individual members of Parliament, control over taxation by the representatives of this wealthy portion of the population, were hotly debated in Elizabeth's time. At the end of Elizabeth's reign friction between the monarch and the members of Parliament showed that the Tudors had raised up a formidable rival to their own absolutism. The strength of this new party lay in their economic prosperity. The Tudor age had produced a new rich middle class with a taste for, an experience of, and a strong interest in the control of political power.

The arbitrary rule of the early Stuarts converted these aspirants for political power into defenders of the fundamental liberties of their countrymen. The first resentment of arbitrary rule had come from the Genevan reformers supported by a few lawyers even whilst the queen was alive. The government successfully suppressed the platform of the reformers in 1588 chiefly through the activities of the court of High Commission. Originating as an off-shoot of the Privy Council, this court had rapidly developed under pressure of its increased business into a separate court of law with extensive and undefined powers including the right to fine and imprison. The reformers objected to its authority as merely a human body, part of the ordinary machinery of secular government, which could not exercise jurisdiction over the sacred law of God. In the name of conscience they refused to acknowledge its validity. The common lawyers immediately apprehensive of this formidable new rival joined in the protest against the upstart court for very different reasons. They maintained no court could tamper with the liberty and property of subjects by fine and imprisonment save the common-law courts. They regarded the new court as an innovation overriding the judgment of the ordinary courts of law which were the custodians of the law of the land and the ancient liberties of the people. Nor was it easy for the king's lawyers to defend their use of fine and imprisonment in causes ecclesiastical when for several years after the gunpowder plot the government was anxious to demonstrate that for the catholics at least the royal supremacy did not extend as far as spiritual matters. In the long drawn out case of the catholic archpriest, the government asserted emphatically that the spiritual supremacy of the pope could only be expressed in spiritual form. Temporal punishments, such as the deprivation from a king of his kingdom which was his property, were unnatural and unlawful weapons of a spiritual power; no spiritual court had authority to deprive either king or subject of his worldly goods. The common lawyers in sympathy with the now increasing number of reformers picked up these arguments wholesale and insisted that the court of High Commission had no right to inflict the penalties of fine and imprisonment on any subject. The common lawyers from quite different premises were committed to a defence of the ancient liberties of the land.

In Parliament the same issues were at stake. The attempt of the early Stuarts to override the power of Parliament impinged upon the newly developed privileges and rights of that august body. Charles I left no doubt in the minds of his subjects either by word or deed that he regarded their ancient liberties already threatened by the prerogative courts as unlawful pretensions. Manwaring's sermon in 1627 depicted kings as Gods and subjects as subservient to them in body and soul. Subjects had no rights save the right to obey. The sermon created a furore in Parliament and the members requested the apprehension of the preacher. Their request was disregarded. In the following year the members, further infuriated by Charles' oppressive taxes and arbitrary fines and imprisonments, enunciated in the Petition of Right their belief that the subject possessed certain ancient liberties which the king should respect. These included chiefly liberty of person and security of property. In the years following the dissolution of Charles I's third Parliament, the arbitrary acts of the king in defiance of his assent to the Petition of Right pressed home to the erstwhile members of Parliament the increasing danger to liberty from such a ruler. The outstanding cases of Pym and Hampden roused popular fury. The taint of popery associated with the growing Anglo-Catholicism within the established church increased the fear of episcopal oppression. The extensive jurisdiction of the court of High Commission gave substance to these apprehensions. On every side the cause of liberty found advocates against the increasing absolutism of the king. Charles I's inability to make his dictatorship efficient further discredited his rule in the eyes of men conscious of their own ability to regulate commerce and landed property and only too anxious to try their hands at governing public affairs for their further advancement. These men regarding themselves as guardians of the peoples' liberties and their own were ready at the first opportunity to curtail the power of the king and place his government within defined limits. In England the political and religious liberty of the citizen quickly became associated with limited monarchy, rule according to the ancient laws of the land, in short, with constitutional government.

Before the clash in 1640 when the Long Parliament met, only sporadic efforts at definition of the claims of liberty were made. Only

sections of the population were intimately affected by immediate oppression. At first these were mainly religious bodies. The non-conformist sects maintained a division between church and state by which the state had no right to inflict punishment on the spiritual body of true believers. But this was not a claim for absolute freedom of conscience. For most of the sects maintained that once the true church was established the magistrates must enforce true religion by the sword. There was to be no quarter for heretics in their system. The catholics in an anomalous position continued to plead for a toleration of wider scope than demanded by their fellow sufferers the non-conforming sects. At the same time popular feeling was averse to extreme penalties for purely religious error. The burning of a heretic on religious grounds alone in 1612 was attended with such public demonstrations of disgust that James I declared that such sentences should not be executed in future. Other less obvious penalties must be imposed. Here and there other more powerful sections of the community expressed their belief in persuasion rather than force over conscience. A few of the leading bishops professed the arminian attitude of moderation though Laud's control of the administration of the church made their protestations of little effective value to the oppressed.

An increasing number of influential young noblemen formed the important group known as the Latitudinarians. Amongst these were Chillingworth, Falkland and Hales. Influenced by the views earlier maintained in France and Holland, their main contention was twofold. They asserted that it was impossible in the nature of things ever to obtain an infallible authority on earth in matters of religion. Those who declared for infallibility were in fact only enwrapping their own conclusions in a sacrosanct cloak. Chillingworth denounced it as: 'This presumptuous imposing of the senses of men upon the general words of God; . . . this deifying our own interpretations and tyranous enforcing them upon others.' Both he and Hales urged that as men's judgments were always subject to error no man could be held responsible for errors unless wilfully pursued. Those who honestly pursued a course of action which was perceived to be wrong by others or later by themselves must trust ultimately in the goodness of God for pardon for their human frailty and lack of understanding. Wilful error was

heresy, but error alone was not sin, 'For', as Hales put it, 'if we account mistakes befalling us through human frailties to be heresies, then it will follow that every man since the Apostles' time was an heretic'. God must be trusted to be merciful enough to forgive the frailties of his human creatures. All these men held that could the antagonists but perceive that they were all holding to the same fundamental tenets of faith, then the diverse excrescences of worship which now comprised their main differences would appear too insignificant to warrant persecution and bloodshed. Like Edwin Sandys in his work on *A Relation of the State of Religion* written in 1599, these men advocated not a toleration but a comprehension of sects into a universal church. They denied the belief in one set form of church government laid down on a divine plan. They trusted rather in human faculties to readjust the difficulties besetting religious life. Again the division between things indifferent and essential earlier made by Bacon was stressed; it became the basis of a constructive form of religious toleration.

Everywhere before the Civil War the old rigidity of belief in infallible external authorities was being undermined. The nature of conscience was held in some quarters to be affected rather by persuasion than force. The position of the individual was so uncompromisingly proclaimed as supreme by some that in 1634 John Canne, a rigid calvanist, scathingly pointed out that the effect of the wild Dutch heresy (Arminianism) was to make of every single man 'a domestic little God'. The constitutional and legal struggle with the king was impressing upon Englishmen that ancient liberties belonged by inalienable right to these fragments of divinity. The arbitrary power of the king was threatened by the ancient constitution of the land. A divine infallible authority was challenged in the name of a human fallible institution.

One and the same act in 1640 destroyed the instrument of religious persecution and circumscribed the royal power. The abolition of the court of High Commission left the church without any means of enforcing its decisions by civil disabilities. The lawyers from henceforth determined never to allow a repetition of such a court which would threaten their own independence. The lawyers were in no mood to see this power over jurisdiction transferred from the episco-

pate to the more intolerant presbytery. After 1640 the cause of religious toleration had the lawyers unequivocably on its side. The abolition of the courts of Star Chamber and High Commission left the king shorn of his prerogative courts and the means of establishing absolute rule. The Long Parliament in no ambiguous terms declared in justification of itself that the king had abused his trust as ruler and must be called to account in the name of the people whose liberties he had ignored. Parliament like the Council of Constance regarded itself as the representative of the sovereign power of the body politic (this time the state and not the church), and treated the king as the servant of the people. The people through Parliament described the limits of royal authority and vindicated their ancient liberties of which freedom from arbitrary imprisonment and negatively from religious persecution were the foremost. The influence of foreign thought was most conspicuous in these arguments. The works of the continental exponents of constitutional rule were read with avidity.

In 1645 the character of the struggle changed. Hitherto the conflict was between king and the indivisible body Parliament. After 1645 the army challenged the supremacy of Parliament. The army was the stronghold of individualism. It had been nurtured in the democratic habits of congregationalism, it was imbued with a supreme faith in the individual's conscience and right of judgment. Liberty of conscience implied to the militia a power of judgment which expressed itself in political form as democratic control over the important organs of state whether civil or ecclesiastical. The indivisible authority of Parliament was challenged in its turn by the multitudinous voices of the people made vocal in the army. Parliament stood out in defence of the liberty of the constitution. The army stood out in defence of the liberties of the component parts of the constitution. A spate of literature covering every aspect of liberty burst forth from the pent up ranks of the militia after 1645. Everywhere men became concerned with individual liberty and its repercussions on social life. The struggle for liberty on the continent was between conflicting group liberties, between whole churches and the state or other churches. In England, the struggle was between the particular liberties of individuals. The nature of individualism and its relation to the state was the consuming topic of these momentous years. How could the

perfect freedom of the individual in all matters be reconciled with the necessary rules conducive to order within any society?

Amongst the various exponents of liberty, Milton's defence in *Areopagitica* stood out in form and substance as one of the most powerful pleas for unrestricted freedom. Milton's work illustrates simultaneously the change in attitude towards human nature and knowledge which had slowly developed in the first half of the seventeenth century. The occasion of the work was the attempt by the Long Parliament to censor the press. The church had hitherto been responsible for controlling expressions of opinion. But, with the abolition of the ecclesiastical court of High Commission, the press was unmuzzled. In 1643 Parliament suggested a reimposition of control over publications. The following year Milton's work defending unrestricted publication came out to challenge Parliament's caution.

Milton pleaded for liberty of the press as a necessity to all progress mental and political. He argued from every angle in *Areopagitica* for this freedom of expression. He described the futility of suppression of books. Not only was it too like the Inquisition to be palatable to convinced protestants, but what was the point of restricting the publication of books alone when 'whatever thing we hear or see, sitting, walking, travelling, or conversing may be fitly called our Book'. To shut away men from all contact from evil was to do without the very elements which developed their integrity, 'how much we expel of sin, so much we expel of virtue: for the matter of them both is the same; remove that, and ye remove them both alike'. God has given men 'minds that can wander beyond all limit and satiety' by which they can choose between good and evil. 'When God gave him Reason, he gave him freedom to choose, for Reason is but choosing; he had been else a mere artificial Adam, such an Adam as he is in the Motions (i.e. a marionette show). We ourselves,' he continued, 'esteem not of that obedience, or love, or gift, which is of force; God therefore left him free, set before him a provoking object ever almost in his eyes; herein consisted his merit, herein the right of his reward, the praise of his abstinence.' To Milton the conflict of intellects was the very stuff of life from which emerged the ultimate reality purged by its struggle of all falsities and inconsistencies. To shut away men and forbid them this conflict was to deprive them of all opportunity to

discover the truth and to develop character. 'I cannot praise a fugitive and cloistered Virtue, unexercised and unbreathed, that never sallies out and sees her adversary, but slinks out of the race, where that immortal garland is to be run for, not without dust and heat . . . that which purifies us is trial, and trial is by what is contrary.' Milton cleverly argued that to clamp down a system of licensing on the free expression of thought in England was to cast an implied slur on the power and integrity of the English nation. Were they not sufficiently well trained in the truth to discover error; had they not the moral stamina to reject the wrong and to seek after the right? Surely this interest in controversy was a sign of the mental and moral vigour of a people and was symptomatic of its spiritual regeneration? 'Methinks I see in my mind,' he added, 'a noble and puissant Nation rousing herself like a strong man after sleep, and shaking her invincible locks; Methinks I see her as an Eagle muing her mighty youth, and kindling her undazzled eyes at the full midday beam; purging and unscaling her long abused sight at the fountain itself of heavenly radiance; . . . What should ye do then? Should ye suppresse all this flowery crop of Knowledge and new light sprung up and yet springing daily in this City? Should ye set an oligarchy of twenty ingrossers over it, to bring a famine upon our minds again, when we shall know nothing but what is measured to us by their bushel?' The object in view was liberty and that could not be suppressed without detriment to both the suppressed and suppressors. The latter would become 'oppressive, arbitrary and tyranous', whilst the former would lose 'liberty which is the nurse of all great wits; this is that which hath rarified and enlightened our spirits like the influence of Heaven; this is that which hath enfranchised, enlarged and lifted up our apprehensions degrees above themselves'. So Milton pleaded passionately: 'Give me the Liberty to know, to utter, and to argue freely according to conscience, above all liberties.'

This stupendous faith in the ability of the human mind to probe the mysteries of the universe and to emerge unscathed, enriched and triumphant took concrete shape in the foundation of the Royal Society of Science. Milton had succeeded in his object of preventing restriction of publication and free discussion of hitherto forbidden topics. From 1645 onwards began weekly meetings of men 'inquisi-

tive into natural philosophy and other parts of human learning and particularly of what hath been called the *New Philosophy* or *Experimental Philosophy*'. In 1660 this nucleus constituted itself into the Royal Society of London for improving Natural Knowledge. The scientific movement had seriously begun. Its attitude to knowledge was very different from the authoritarian methods of the theologians hitherto regarded as the guardians of the secrets of the universe in their privileged position as intermediaries between God the author of the universe and man. Tentatively but persistently the scientists challenged the theologians as guides to the secrets of the universe. They no longer believed that the fullness of knowledge would descend upon them in a blinding flash of direct revelation from heaven. The discovery of the mysteries of the universe depended on ceaseless patient investigation. Knowledge must be sought for by the process of trial and error; no conclusions were to be accepted which could not be demonstrably proved. Measurement and exactitude took the place of vague generalizations in a search that was realistic not mystical. What could not be measured must be relegated to the realm of hypothesis. The greater field of knowledge was covered by working hypotheses. The laws of the universe though laid down by God were no longer conceived as adequately revealed to men to guide them unfalteringly through the labyrinth of this life. The extent of human knowledge was still so limited that the laws of the universe or of nature were still unknown and could only be formulated as hypothetical statements open to constant revision in the light of further discovery. Nowhere was there an infallible guide to certainty.

The scientific movement struck at the root of previous conceptions of the state and its relation to religious institutions. Since the plan of God for men was not known in detail, men must rely on themselves to regulate their social activities. Their experiences must be their guide. Precedents in law courts, ancient constitutions, were dug up and cited as reliable helps, almost authoritative statements in the mental chaos of the seventeenth century. Close observation of institutions was necessary before the laws which governed them could be formulated. The laws of society were not preconceived plans superimposed from above but were the product of ever-changing circumstance and human experiences. The end of the state could no

longer be conceived as the maintenance of the law of God, when the law of God was itself perceived as but partially and very inadequately revealed to men. Persecution was unjustifiable in the name of unknown truth. Science began to destroy the old conceptions of the end of the state, but offered no substitute as yet. Some other end to social activities must be postulated of a more defined character and based on a better known quantity than the as yet undiscovered divine law.

The tentative attitude of the early scientists was not of the kind to make them the leaders in a time of doubt when the foundations of society were visibly shaking. Nor were the scientists as yet interested in political structure. They concentrated rather on other aspects of knowledge changing imperceptibly but fundamentally the whole intellectual attitude to knowledge. The scientific movement completed the break with the Middle Ages which the Renaissance had begun. 'The seventeenth century', says Dr. Singer, 'opened with an extraordinary wealth of scientific discovery ... The acceptance of Observation and Experiment as the only method of eliciting the Laws of Nature reaches an ever-widening circle.'

Meanwhile England sought frantically for leaders to stem the flood of liberty that threatened to drown her in chaos. Experiment after experiment in political structure was tried. The works of continental constitutionalists, monarchists, republicans were read and found wanting. English thinkers themselves offered their contributions to the solution. How was order to be evolved without detriment to liberty? Levellers, republicans, democrats, parliamentarians scaled the heights and plumbed the depths of political theory to give the right balance between the two extremes. There was an orgy of democratic experiments and justifications in their defence. Everywhere the aspirants to power insisted that the will of the people should be represented in the government, and government without popular consent was invalid. But the exigencies of the time prevented the full trial of these suggestions. Cromwell realized only too well that the supreme need of the country was for order and that order could only be achieved by autocratic control in such a state of distraction.

A reaction set in against the idealism of Milton and the uncertainty of scientists and latitudinarians, born of the needs of the moment for

security and order. As the civil war dragged on Milton's optimistic belief in the final triumph of truth over error emerging from a clash of unhampered mentalities was quenched by grim reality. Great controversies petered out into petty details and revealed their futility to a generation grown weary by physical strife and uncertainty. As each sect rose to power, it abused its former claim to freedom of conscience and persecuted its sometime oppressors. Each section of the religious community learnt in turn the penalty of intolerance. Each sect justified its action in the name of true religion. Doubt festered in many minds. Scepticism not absolute truth emerged and grew. The basis of Milton's appeal was undermined; the edifice of his ideal tottered. Liberty which did not lead to a further discovery of reality seemed nothing less than licentiousness. Those who had not Milton's goal in view could not so readily reach his conclusions that the liberty to argue freely according to conscience was worth the sacrifice of order involved in letting each conscience hold on its untrammelled way. Order and security became as the years wore on the passionate desire of a country satiated by practical experiments and unwonted intellectual effort. The death of Cromwell and the resulting anarchy drove men further towards the restoration of the monarchy and its promise of stability.

Neither political nor religious liberty was established at the Restoration of 1660. The reaction in favour of order and the return of the old form of monarchical government was too great to countenance a recognition of political liberty. The resentments against the sects who had ably despoiled the vineyards of the established church was too great to permit of a religious toleration when the church was restored to its pristine position of authority. But the *status quo* was not really re-established. The arbitrary courts of High Commission and Star Chamber were not restored. The absolute sovereignty claimed by the earlier Stuarts for the monarch no longer had political institutions ready to hand to manifest the theory in practice. The divine right theory of kingship advocated under the later Stuarts was built on very slight foundations in fact. This divorce between fact and theory enabled the enthusiasm of the royalists to exhibit itself in wildly extravagant theories of absolutism, safeguarded as they were by a knowledge that their views would never be trans-

lated into action. The schemes for a comprehension of all churches into one or for a toleration of all sects were prevented more by the desire for personal revenge than because the intellectual and religious difficulties were too great to make them acceptable. The orgy of repressive measures promulgated by Clarendon was not the result of religious zeal and a passion for the suppression of error. Rather it promoted the removal of people who were personally obnoxious to the government which was on the whole indifferent to the views expressed by their victims. The government was not interested in maintaining true religion. Legal religious toleration was only a matter of time and the rights of the subject would only be categorically reaffirmed in a cogent theory of the state when those rights, tacitly accepted by Charles II as inviolable and embodied in a mass of well-known literature, should be attacked by any ruler less tactful than the restored exile.

Events moved rapidly towards the end of Charles II's reign. The belief in the necessity of toleration grew as the futility of the persecution of the dissidents became apparent and as dissent spread from a small section of the community to include an important part of the ruling classes. The reign of James II revived the two issues of the civil war again in close conjunction: religious and political liberty. The king's policy of indulgence towards the persecuted sects was believed to be an effort to re-establish Catholicism in the land and roused the suspicion and anger not only of the established church but of the persecuted dissidents themselves, whilst his attempt to take absolute control over the government revived the champions of liberty to withstand once more the encroachments of royal authority. This time the opponents of absolutism were not content to leave the governance of affairs vaguely to the goodwill of the monarch as in 1660. That could no longer be trusted. The revolutionists of 1688 took matters into their own hands and finally denied the rule of an absolute king in England. The dissidents played their part in this effort; the price of their help was the passing of the Toleration Act in 1689. The man chosen by the government to defend their position and ably fitted for such a post was John Locke.

Locke's wide interests and varied experiences equipped him for this post of publicist of the bloodless revolution. The son of a lawyer who

resented the arbitrary rule of Charles I sufficiently to take sides against the king in 1642, Locke himself studied medicine and was deeply interested in the scientific movement. In 1668 he became a member of the Royal Society. Boyle and Isaac Newton were amongst his intimate friends. The scientific approach to knowledge made a profound impression on his mind and laid the foundations of his philosophy and his political theory. He early became acquainted with and enthralled by Descartes' philosophy and works. His travels abroad in France and Holland brought him into closer contact with continental thought and conditions. He was at the same time keenly alive to the actual problems of the English government. His association with Shaftesbury from 1666 until the latter's fall from power and exile brought Locke into vital contact with contemporary politics. Shaftesbury was in continual opposition to Charles II; he was the centre of the radical element in the restoration government. Locke soon became sufficiently interested in the earl's schemes to begin jotting down his ideas on religious toleration. An essay begun in 1667 on this subject though unfinished formed the basis of much that he and Shaftesbury's friends included in his *Fundamental Constitution for the Government of Carolina*, drawn up two years later. Before 1688 Locke was already marked out as a man of ability and competent to justify new and radical changes of government.

Locke stands out as a writer of modern political thought. His theories of government rest on assumptions more in keeping with modern premises than any of his immediate predecessors. His great contemporary, Hobbes, was definitely of a bygone generation whose beliefs were unreal and unacceptable to the new generation. Belief in the viciousness of human nature was the mark of orthodoxy in Hobbes' youth; it was the stigma of atheism in his old age when Locke began to write. The controversy between Hobbes and Bramhall over free will and predestination after the restoration was the measure of the change in attitude towards human nature which had arisen during the civil war. Hobbes' views horrified men of the new generation who like Locke saw in the qualities of human nature the foundations of all social effort. The basic premises of political thought had changed. The reaction of the Reformation was almost accomplished.

Locke's philosophy expressed in his well-known *Essay on Human*

Understanding gives the key to his political theories later developed in his *Two Treatises on Government* and already partially expounded in his *Letters on Toleration*. He set himself to probe into the nature and extent of human knowledge. He concluded that there was no basis for the belief in innate ideas. To think that man came into the world with fixed notions in his mind was to Locke not in accordance with the facts. Man's mind at first was a 'white paper, void of all characters, without any ideas'. The knowledge which man subsequently acquired came as a result of his observation upon external phenomena and his brooding within himself over the things he had observed. So knowledge came from Sensation and Reflection and was, ultimately, the result of experience. Human knowledge was inherently experimental in character. This was the determining factor in Locke's view on politics. He could no longer entertain the popular belief that government was superimposed from above by a divine agency and that it arose without the consent and without any effort on the part of man.

Locke carried out specifically in the sphere of politics what he had laid down as his fundamental premise in philosophy. In his *Two Treatises on Government*, the first was a refutation of the divine right of kings as set forth by Robert Filmer in his *Patriarcha*; the second was Locke's own theory of the state. The latter seemed an implicit attack on Hobbes' *Leviathan*.

The measure of Locke's service to political theory can only be taken when one realizes the strength of the views which he so adequately demolished. The first of the *Treatises on Government* was important for clearing the way for the establishment of the theory of the state on new grounds. Filmer's *Patriarcha* contained all the old arguments in favour of an absolute form of government based on divine institution. But the necessities of the moment and the increasing alertness of his readers pressed Filmer to substantiate the vague claims to divine institution of kingship by an elaborate mass of fabricated detail showing the lawful descent of the King of England from Adam. The absurdity apparent to the modern reader was not perceived at the time by men who still clung to a belief in the verbal inspiration of the bible and the inadequacy of the human race to evolve its own forms of government for itself. The strength of this

belief can be measured by the earnestness and care with which Locke set himself to refute it in detail. The theory of divine right of kingship still flourished in England and France. It is not necessary to follow the ramifications of Locke's arguments against Filmer's position. Suffice it to say that Locke showed that in fact such a claim as Filmer made could never be substantiated by sufficient evidence. Unless evidence was forthcoming to prove the direct lineage of a king from Adam, the theory of divine right of kingship was left *in vacuo*. God himself was never known in human history to have marked out a particular person for the throne. Moreover, there were elements in human relationships which themselves did not countenance such a view of society. Human rule came into being by some other process. Locke elucidated his own theory on the origin and nature of government in his second thesis on government, entitled *The True Original, Extent and End of Civil Government* in opposition to the first section which he had dubbed *Certain False Principles*. Throughout his argument in the second section Locke showed himself sensitive to the originality of the ideas he was propounding. Repeatedly he excuses the novelty of his suggestions on the grounds that after careful consideration they appeared to be true and he hoped they would appear so to his readers also. There is a naive simplicity about this tentativeness which is charming and persuasive in itself.

Locke began by defining political power 'to be a right of making laws, with penalties of death, and consequently all less penalties for the regulating and preserving of property, and of employing the force of community in the execution of such laws, and in the defence of the commonwealth from foreign injury, and all this only for the public good'. Certain questions arose from this definition which Locke set himself to answer. How did such an overwhelming power arise amongst men that they should suffer the community to penalize them even to death? Why was the preservation of property so important? And what was meant by the 'public good'? It was significant that the mention of religion was conspicuously absent from Locke's definition of the primary end of government.

Locke began his constructive arguments with a dissertation on the state of nature, the law of nature and the rights of man. To Locke the condition of man before the establishment of political institutions

was very similar to the Stoic conception of the 'golden age'. Men he said, were in 'a state of perfect freedom to order their actions, and dispose of their possessions and persons as they think fit, within the bounds of the law of nature without asking leave or depending upon the will of any other man'. In such a state men were all equal and similar in characteristics and potential power. Locke did not then assert as Hobbes had done that in such a state of nature antagonism was the supreme force between men. On the contrary he firmly maintained that sociability was the strongest bond between men. In this he declared himself at one with 'the judicious' Hooker. Hooker's tolerance and rationality had been unsuitable to an age on the verge of an outbreak of furious passions; but with the quenching of such turbulence he came into his own. Locke's exposition of the law of nature, the sociability of man, and his high premium on reason, were closely related to Hooker's views formulated a century before. So Locke picked up the humanistic thread of a more tolerant age and diverged at this crucial point from the intolerance of Calvinism and Hobbes.

Men were equal, sociable and free; but they were not licentious. Locke laid great emphasis on the fact that in the state of nature men were governed by the law of nature. His concept of the law of nature is fundamental to an understanding of his whole political theory. Locke influenced by his study of science and his belief in human nature maintained that man's actions were regulated even before social restraints were consciously imposed upon them, by their necessity to obey reason which was the law of nature. The obligation to obey arose from the origin of the law which was divine. God had placed rational man upon earth giving him reason to guide him in the way he should go and making him instinct with sociability. As God had made all men equal and independent no man had the right to take another's life or subordinate another to his own pleasure. 'The state of nature has a law of nature to govern it, which obliges everyone, and reason, which is that law, teaches all mankind who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty or possessions; for men being all the workmanship of one omnipotent and infinitely wise Maker; all the servants of one sovereign Master, sent into the world by His order and about

His business; they are His property, whose workmanship they are made to last during His, not one another's pleasure.' Therefore, Locke concluded, there were certain rights which every man inherently possessed and no one should ever abrogate; preservation of life, liberty, health, limbs and goods. In the state of nature each man had another right, the right to enforce the law of nature for himself; otherwise the law would be a dead letter. So men had authority over each other even in a state of nature, but not an arbitrary and absolute authority; each had only so much as was necessary to preserve his own rights against the violence of those who by passion violated the law of reason. So punishment could be inflicted by one man on another if and when that other had made himself an outlaw to the rule of reason, but the punishment must be only 'so far as calm reason and conscience dictate. What is proportionate to his transgression, which is so much as may serve for reparation and restraint'. It must never be overwhelming and arbitrary. Thus man in the state of nature and government when established were always limited by the rational law of nature, by which certain rights belonged inviolably to man. No law was binding except it was in accordance with this fundamental law known to man through the use of his reason.

Locke then described all the disasters which attended the abrogation of the law of nature: the loss of freedom when one man tried to subordinate another to his will; the consequent state of war when men set themselves not merely to maintain their own rights but to destroy others' and so violate the law of nature. He carefully distinguished between the state of nature and the state of war which Hobbes had identified. He asserted the first was when the law of nature was in operation, the second when men set out to violate it at the dictates of their own passions not of reason. He admitted that a state of war would have to be said to exist between different nations, were it not that men were bound together by the bond of their common humanity not by the bond of their particular societies. The law of nature outstripped the limits of national association, 'and keeping of faith belongs to men, and not as members of society'. So Locke's fundamental belief in human nature led him to conclude that political society was not the final goal of man, but that man belonged to the greater body of humanity and was constrained by a law which was

recognized wherever reason not passion was dominant. Locke here made the important distinction between society and the state. Where Hobbes' premises led him to conclude in favour of arbitrary rule at home and a perpetual state of war between independent sovereign states abroad, Locke building on different foundations, concluded in favour of constitutional rule at home and the possibility of a development of international law based on the omnipresent law of nature. Society had certain laws which transcended the limits of particular states.

Locke then described the origin and nature of political society. Man was created sociable with needs which could only be satisfied through social life. 'God having made man such a creature that, in His own judgment, it was not good for him to be alone, put him under strong obligations of necessity, convenience, and inclination, to drive him into society, as well as fitted him with understanding and language to continue and enjoy it.' So constrained men tended to form first family groups and then political communities. The reason for the conscious formation of the state was the inability of single individuals to enforce the law of nature impartially.

This lack of impartiality created a great disability under the law of nature. Each man was responsible for the execution of that law in relation to himself. Each man was automatically 'judge in his own cause'. To Locke as the son of a lawyer this was fraught with much inconvenience and was detrimental to the exercise of right and equity. Apparently though reason resided in each man's conscience and was the rule of law, yet it could not be completely trusted to execute the law impartially. It would be better to shift the responsibility of judgment from the individual whose rights were in question, to a group who might be held to be somewhat more impartial. Inconsistent as this was with Locke's original premises that the law of nature was clearly known to all those who tried by reason to comprehend it, yet it formed the basis of his argument to shift the execution of the law of nature out of the hands of partial individuals into the hands of the comparatively impartial community.

The first act of the individuals desiring to form themselves into a body politic was to make a contract. Under this each member agreed to secede to the community his right to enforce the law of nature.

Unlike Hobbes' original contract, this did not leave an illimitable power to execute the law of nature in the hands of the governing body. Locke had shown that men in the state of nature possessed several rights, only one of which, the right of executing the law, was seceded. The rest of the rights remained as the inviolable possession of the members of the new community. They formed the basis of the law of nature. They set the limit to the extent of political control. Just as the individual had been bound and limited by the law of nature in the natural state, so too the new executor of the law was bound and limited. Locke as opponent to the absolute rule of the Stuarts was eager to constitute an irrefutable argument against arbitrary absolutism. Nowhere would he admit that any ruler had the right to abrogate the fundamental natural rights of man.

This contract was not sufficient to keep political society in being. Some arrangement must be made to prevent disintegration setting in. So long as men retained their several natural rights which political society was set up to protect, they would query every action of this body which impinged upon their property, liberty or life. The political community under the conditions of the original contract could easily split into two factions and from that would continue to split until men returned to the state of nature. Locke advocated a second contract as the way out of this predicament. The members of the political community agreed to submit to the rule of the majority. Unless the minority agreed to accept the rule of the majority the original contract stood no chance of being kept. Majority rule was the solution of a very real practical difficulty. Political society could not exist without government. The second contract was essential to the maintenance of the first. To think otherwise, Locke asserted, 'would make the mighty leviathan of a shorter duration than the feeblest creatures, and not let it outlast the day it was born in, which cannot be supposed till we can think that rational creatures should desire and constitute societies only to be dissolved. For where the majority cannot conclude the rest, there they cannot act as one body, and consequently will be immediately dissolved again'. So Locke set up the political maxim that the rule of the majority was binding on the minority who must rationally perceive that the community could only act as a corporate body if the lesser part agreed to political oblivion.

This consent to passivity was imposed upon the luckless minority by the law of nature which was reason. For any portion of the population not fortunate enough to be in the majority, reason pointed the way to political suicide. But Locke did not venture to deal with the position of the minority. He was concerned only to justify the acts of the majority. He was engaged on a defence of the settlement of 1688 and the seizure of the government by an overwhelming proportion of the ruling class.

Certain important conclusions arose from Locke's belief in the law of nature and the part it played in society. The state was not the final goal of man; man had an end transcending that of the state. The purpose of the state was the preservation of the individual's rights as prescribed by the law of nature. The state was merely instrumental to the fulfilling of the law of nature. Locke showed political society as a conventional arrangement set over and above the relations of men already partially regulated by the law of nature. The essentials for social life existed prior to the establishment of the state. Justice and equity belonged to the state of nature before the first contract was agreed to. The 'state of nature' still existed and regulated actions between two independent political societies which had not formed any original contract with each other. 'It is not every compact that puts an end to the state of nature between men, but only this one of agreeing mutually to enter into one community, and make one body politic; other promises and compacts men may make one with another, and yet still be in the state of nature . . . for truth, and keeping of faith belongs to men as men, and not as members of society.' Consequently Locke recognized the possibility of international relations based on law and denied Hobbes' contention that independent political societies were *ipso facto* in a state of perpetual warfare with each other. Locke's faith in human nature made him draw conclusions entirely contrary to Hobbes' and many of his contemporaries, though most of them would have agreed with him in his belief in a transcendent law of nature of divine origin.

Locke's belief in human nature and the part the individual must play in maintaining his natural rights led him to advocate a democratic form of constitutional government as the best. No government could be 'civil' or properly constituted unless it had the consent of its

subjects behind it. Men being rational and the guardians of a set of prescribed rights must have the opportunity to express their views of the policy of the government, to help it enforce its decisions to which they originally gave their consent, to see that it did not abrogate the law of nature by which their rights were established. So consent and representation of the citizens' views must find expression in the structure of the state. The sovereignty of the people must be given formal expression in the mode of government. How was this to be done? Absolute monarchy was out of the question (so Locke dismissed the claims of James II). Aristocracy tended to become oligarchy and was ruled out as government by the minority and incompatible with the second contract. Democracy alone remained acceptable. It was majority rule. But, Locke insisted, it must also be rule by consent of the majority; and the will of the majority, by which the law of nature was conserved, must be constantly focused on the government and constraining its acts in the way they should go. To do this effectively representative government was necessary. Locke was facing the problem which Cusanus had avoided over two centuries before. Locke advocated a drastic reform of the machinery of government even suggesting the abolition of rotten boroughs in order to obtain the proper relation between the majority of the sovereign people and those of their members whom they had deputed to rule. The law of nature required two processes to make it effective: it must be formulated, it must be enforced. The first was the process of legislation for which only the body politic was competent; the second was the process of execution. This could be delegated by the sovereign people to any executive body, one man or many. The process of formulation was sporadic and quickly accomplished. The process of execution was constant and permanent. So the legislative body of representatives need only sit for a short time when occasion arose. But the executive body must be in permanent office. The executive and legislature were separated in function and persons. For, Locke maintained, if the two coalesced into one body the danger would arise that the legislators 'may exempt themselves from obedience to the laws they make, and suit the law, both in its making and its execution, to their own private wish, and thereby come to have a distinct interest from the rest of the community, contrary to the end of society and

government'. This end, the preservation of the law of nature, prevented the sovereignty of the people from being absolute; it was always conditional. 'A government is not free to do as it pleases . . . the law of nature stands as an eternal rule to all men, legislators as well as others.'

The duty of the people was to preserve this law; its breaking gave them the right to rebel. This justified the revolution of 1688. Force must be opposed but rebellion could only be by the majority, otherwise the structure of society fell to ruin. The minority had the right of persuasion only. In time it might hope to become the majority. Persuasion was the weapon of the submerged minority; enlightenment of the electorate their only hope. A cogent reason for political propaganda was advocated in an age that had no use for it.

Rational persuasion was of the essence of Locke's philosophy both for state and church. In the state only intolerable emergency could justify resistance and that within very restricted circumstances. In the church no such occasion could arise. Religion was a matter where force was useless and unnatural. Locke in his *Letters on Toleration* followed the route already marked out by the pioneers of religious liberty. Accepting the separation of church and state and depicting a state whose end was the establishment of peace for the preservation of life, limb and property, Locke could find no brief for interference in religion by the state. He advocated almost unlimited legal toleration. But he took exception to catholics, Mohammedans and atheists, on the ground that the first were ready to abrogate the rights of others and themselves owed allegiance to a foreign power; the second adhered to a form of civil law alien to European codes; the third in denying the existence of God, denied the validity of the law of nature itself and so were literally 'outlaws'. Within these limits Locke advocated a full measure of religious toleration. The nature of religion itself denied the validity of forcing the conscience. It was a rational process requiring persuasion as its advocate. It could only be freely accepted by the understanding individual soul. Civic rights moreover pertained to the law of nature and were not dependent on the acceptance of a prescribed form of religious belief. So at last in 1689 the first great breach in legal religious intolerance was made by the passing of the Act of Toleration. By a general consensus of opinion a certain

portion of the population was recognized as holding beliefs contrary to the established church but not contrary to the fundamental laws of society.

The importance of Locke's political works needs no emphasis. They were widely read in France and America. His constitution for Carolina though not accepted in detail by that state indicated the principle of religious toleration which its rulers subsequently adopted in its entirety. The influence of Locke in the American revolution in the next century was stupendous. His ideas much modified and elaborated returned to Europe in the French revolution. In England Locke had the advantage of former believers in constitutional rule in that he was defending the accomplished fact of the revolution. He could draw upon an actual situation to point his remarks and give content to his theories. His political theory was essentially realistic in character. It carried added weight in the beginning of a scientific age.

The English revolution was a living example of the overthrow of arbitrary kingship. Its underlying principles directly in contrast to the orthodox conceptions of the beginning of the century made an indelible impression on intellectual life. The state was no longer conceived as a superstructure imposed by a sovereign God from above through the medium of an absolute monarch. It was built instead on the very human basis of the consent of its citizens whose will expressed by the majority guided the ship of state where formerly God's will and law alone were recognized as directors. The nature of law itself was understood to have undergone a change. It was no longer self-evident truths revealed beyond doubt in the bible or through some divinely appointed church or king. The law of God was the law of nature, and nature refused to reveal her secrets save to those who earnestly and carefully sought them by experiment. Human experience subject to error as part of its nature was substituted as the guide where infallibility had reigned supreme. Honest doubt took the place of self-opiniated dogmatism. But blank scepticism had not set in. Locke and his contemporaries held firmly to their faith in the law of nature which was both rational and divine. The reason of God sustained the universe; and man himself had the divine spark within. This divine spark must be protected from all possibility of extinction. On it depended the discovery of the law of nature and the direction

of all social conduct. First religious and then political liberty must be enforced if the individual was to play his essential part in the body politic. The maintenance of true religion and justice was no longer unquestionably accepted as the end of the state. Neither were clearly known in a world where the belief in infallibility had been rudely shaken, where the will of God was but partially revealed. The individual alone was the mainstay, the protection of his natural rights, the end of all human society. The citizen had evolved from the chrysalis stage of the subject. The state was no longer master of his soul and body, but the creature of his own efforts.

So English thinkers took up the threads of freedom of conscience and thought from continental thinkers and wove them into their structure of the state. But continental thought had developed on very different lines in the seventeenth century. The age of science was just beginning. The scientific spirit informed only a select few. Religious toleration had but a precarious foothold everywhere. In England it was extended to the dissidents and was an annual act of concession impermanent in character. In the United Provinces religious and political liberty was strictly limited. In France the absolutism of Louis XIV was extending itself to the destruction of the peace of the Huguenots. A final orgy of persecution on purely religious grounds began at the end of the seventeenth century in France. The ideas of liberty and constitutional government were in no sense generally accepted in Europe. The age of reason had not yet dawned.

CHAPTER X

POLITICAL OBLIGATION AND THE RIGHTS OF MAN

Part I: The American and French Revolutions

THE centre of political unrest shifted from England to America and France at the end of the seventeenth century. England settled down politically in the eighteenth century to a period of comparative calm. The Hanoverians remained fairly undisturbed figureheads on the throne; the people remained apathetic under the rule of the Whig oligarchy. Energy was concentrated rather on economic development and colonial expansion than on domestic politics. The industrial revolution beginning slowly in the first part of the century gathered impetus towards the end, when every decade saw a hitherto inconceivable change in modes of work, transport and domestic life. The pursuit of economic wealth led to interminable colonial wars, culminating at the end of the century in the long and exhausting struggle with Napoleon. England was in a constant state of foreign war and economic change; her citizens were not interested in speculating abstractly on political issues which did not vitally concern them. The outstanding figures in English political thought at this time were men interested in preserving the *status quo* not in probing into the depths of political philosophy to discover if their concepts needed adaption to the growth of new circumstances. Burke and Blackstone stood guard over the treasure of English tradition. So England sank down out of the welter of political speculation which was beginning to seethe in America and more particularly in France. Not until the end of the century did she begin to rouse herself from her somnolence. Then the revolutionary politics of France united with English economic discontents, to make it necessary to reconsider a situation which English thinkers had come to regard as sublimely static.

In America and France political conditions did not warrant such

magnanimous acquiescence in their perfection. In America there was a growing volume of discontent against the English methods of government. The customary policy of exploitation of the colonies was deeply resented in the American states where, as the century proceeded, the settlers became more expert in the art of government, more cognizant of their peculiar needs, whilst the home country became less acquainted with its colonial dependencies, more indifferent to their needs yet simultaneously more rapacious of the accumulating wealth of its offspring. Friction between the colonies and England increased apace until after the Seven Years' War it was impossible to prevent a clash. The American colonists became absorbed in the right to rebel. From a very different basis Frenchmen were approaching the same problem in the course of the eighteenth century. The decadence of the French monarchy, the increase of privileged classes, the incapacity of the government to rule and finally the rise of a discontented intelligentsia and peasantry, produced a growing volume of criticism against the established order. Again at the close of the Seven Years' War, French politicians spoke ominously of the inevitability of revolution. Political discontent directed attention both in France and America to the possibilities of revolution and the justification of repudiating the established authorities. The problem was broadly the same as had faced the English in the seventeenth century; misgovernment and the presence of another class anxious to rectify abuses in accordance with their own interests. But in neither America nor France did the political thinkers and publicists repeat glibly the arguments of their seventeenth-century predecessors. This they could not do. A new attitude to life had arisen. Their particular difficulties emphasized new aspects of political theory. Both factors produced fresh combinations of ideas in the realm of political philosophy.

The preoccupation with theology and religion disappeared in the eighteenth century. As God receded into the background, man and the universe in which he found himself became increasingly interesting. The distinction made at the beginning of the seventeenth century between theology and philosophy enabled thinkers to pursue truth independently of holiness, sometimes indeed in antagonism to it. Philosophers concentrated in their search for knowledge on the

means by which they might achieve their end. Since mystical communications were considered unreliable, they sought a more certain faculty within the human being capable of directing human efforts. The methods developed by Descartes and suggested by Locke were taken up and microscopically examined by later thinkers. Man's reasoning power was selected as the suitable guide to knowledge. Philosophers became absorbed in the nature of human reason. As in the preceding centuries when the bible was substituted for the church as the infallible authority in human affairs and then the bible itself was attacked and criticized until its fallibility was made manifest, so the reliance on reason led to a study of this faculty until its authority also was gravely questioned. Two schools of thought then sprang up. The one maintained that the amount of error made by human reason accumulated until the final conclusions drawn were totally untrue. They denied all possibility of knowledge. They were the pure sceptics amongst whom Hume was foremost. The other school admitted the possibility of error but firmly believed that it was not sufficient to destroy the small ingredient of discovered truth. These trusted the reasoning faculty of man, and postulated the possibility of knowledge as a goal to man's intellectual efforts. Kant was their prophet. Both sides were concerned with the problem of human reason and the measure of its fallibility. In such a philosophic background old formulae based on a belief in absolutes were prone to disappear. The direct effect on all realms of thought was to suggest that all human activities should be reconsidered in relation not to a preconceived end, such as the design of God, but to some end connected with their own nature. The disintegration of the belief in a single dominating purpose in the universe resulted in the outcrop of a mass of new studies each pursued independently for its own sake. Scepticism drove men to despair in the fifteenth century; it drove them three hundred years later to make a greater and more sustained attack on the baffling mysteries of the universe. The eighteenth century was paradoxically an age of scepticism and enthusiasm.

The isolation of subjects was further emphasized by the new method of study advocated by the growing number of scientists. The inductive method of reasoning was held to be the only sound approach to knowledge. The accumulation of facts was the first step before the

formulation of a principle or the revelation of a true law. So each subject gathered to itself facts peculiarly relative to its own nature. These separate bodies of evidence grew in the eighteenth century into the first attempts to examine scientifically the several branches of knowledge. Medicine, biology, mechanics, economics and politics amongst other subjects began their scientific treatment. Scientific technique increased the breach already made by the philosophers in the dominating authority of theology.

The effect on political theory was great. Politics divorced from theology in a way alien to the seventeenth century were left isolated amongst intellectual concepts, and had yet to be brought into harmony with this change. New formulae were necessary to describe the nature of a political obligation which did not rest on a law of nature regarded as synonymous with the law of God; to describe the new type of state arising from this different sense of social relations. Montesquieu, Rousseau, Burke and Bentham tried in their turn to formulate the new position.

The slackening of interest in theology had another important result. Since God no longer regulated minutely men's lives, men themselves had to shoulder their own responsibilities. The exaltation of man was inevitable in the scientific renaissance just beginning even as it had been in the artistic and literary renaissance of the preceeding ages. Human reason was the key to knowledge. Every increase of knowledge of the laws of nature added to human power. After the interlude of the repressive Reformation humanism burst forth again with greater force. The scientific rationalistic movement was no longer confined to a select few as in the seventeenth century. It rapidly became the dominating movement of the eighteenth century. Its ideals were everywhere manifest. The rabble of Paris in the revolution worshipped the Goddess of Reason. The artist Blake saw the world dominated by man whose muscular capacity was vast, at whose feet lay the mathematical instruments by which he hoped to reduce the universe to comprehensible and commensurable terms. The rights of man were the political expression of this mood. The new concept of the state had to make room for this unprecedented exaltation of humanity in the place of deity. The form of government must be modified to give expression to this reorientation of values. If the

individual was the mainspring of all activity then he must have scope within the body politic to direct its policy and control its every action. The discontents in America and France forced these issues into practical politics. Both countries became in the eighteenth century practically concerned with the question of the right to rebel and to overthrow the established order. The Americans were concerned primarily with the problem of forms of government; the French and later the English with the more profound question of political obligation and its relation to the nature of the state and the universe.

The American revolution was the first affirmation in the century of the belief in the people's powers and rights. Circumstances concentrated attention on the forms and nature of government. The Americans sought to justify their break with the English though still agreeing with them in basic principles. Locke's political philosophy had cast its spell over both sides of the water. Both sides agreed that man had certain inalienable rights. But in England Locke's advocacy of a representative form of government as the proper method of protecting these rights had received short shrift from the Whig oligarchy. In America, on the contrary, the incident which started the war emphasized this aspect of Locke's political theory as primarily important. The long smouldering discontent of the colonials was fired by the imposition of a tax to pay for the expenses of the Seven Years' War fought partially on behalf of the colonies. The Americans resentfully declared their right to be free from any tax levied without their consent. They developed Locke's theme of representative government around the phrase 'no taxation without representation'. They neglected the premises of his philosophy simply because these were not in dispute between them and the English. They concentrated fiercely on justifying their rejection of English rule and their substitution of a form of government which would yield them complete control of their political machinery. Their essential concern was to shift political sovereignty from the English aristocracy to their own community.

The Americans concentrated on the element of consent in any government in justifying their rebellion. Why was it necessary; how should it be expressed? They sought a formula embodying a democratic form of government in opposition to the autocratic methods of their opponents. First they elaborated the importance of the rights of

man. Their literature was filled with descriptions of the several rights possessed inalienably by man which no government could lawfully abrogate. The constitution of the rebel government pointed out the most important of these rights. Men were 'endowed by their Creator with certain inalienable rights, and that among these are life, liberty, and the pursuit of happiness'. These were very individual needs. How could they be assured of proper respect from the hands of a governmental authority? How did the Americans propose to reconcile individualism with the claims of society? They argued that the form of government must be such that the individual could take an active part in the maintenance of his own rights. The citizen must hold watch and ward over his own liberty and other rights. His consent to acts of government and his participation in those acts were necessary if the end of the state was to be achieved. Political association only existed to maintain the inalienable rights of man. The representative principle was essential to the state. Without it the consent of the individual citizen could not be given to the rules concerning his liberties which would therefore be jeopardized. The existence of the state was bound up with the principle of representation. The best and only form of government was that in which every citizen had his view-point represented in the councils of state. The Americans promulgated a republican constitution in which the voice of the private citizen was given a prominent position. The basis of the state was the consent of its individual citizens. Representation and consent were the chief political maxims imbedded in the American constitution. European statesmen were astounded. They recognized in America the first democratic government known to them in modern times. The establishment of the United States was epoch-making. The new republic remained as a tangible expression of the establishment of the rights of the people themselves against arbitrary rule. Democracy flaunted its new-found liberty at the oppressed nations of Europe.

This example and its justification were not lost on the discontented subjects of France. But events in France had followed a very different course when the news of the American revolution penetrated through. The American rebellion was a sudden almost unpremeditated outbreak. The discontent in France was long standing. It was supported

by philosophical arguments which had been slowly developing throughout the century long before the moment for action came. The outstanding French political writers were speculators in political philosophy, not publicists of a given situation. This gave an abstract quality to their works absent from either the English or American writers on somewhat similar occasions. The French were concerned more or less abstractly with the problems of government and their speculations thus free to roam covered a wide field. They probed beyond the form of government into the nature of law and political obligation. The structure of the government in France precluded that knowledge and interest in the actual details of government characteristic of the English and Americans. The French government was highly centralized under Louis XIV and XV. The king in the eighteenth century was supported in his task of government by a staff of professional administrators who were not concerned to argue about the abstract rights of their position in the state. The philosophers and thinkers who were interested in the problems of politics were faced with a form of government in which there were no rivals for ultimate power, no startling friction within the machine itself. The king and his subordinates moved as one man; they rose or fell together. The political thinkers were not called upon to associate themselves with a particular party whose practical experience would form some tangible basis for their arguments; nor to justify a given situation which would again have afforded them an opportunity to proceed by the more pragmatical methods of the English and Americans. These French thinkers concentrated rather on the more abstract problems of society taking their illustrations at first from other countries to which they could compare the conditions of France, and then as the irritants at home increased drawing more upon the domestic situation. They were more concerned with universal principles than particular details.

Montesquieu led the way in the early part of the century by attempting to analyse the nature of law and the state. Collecting his data like any other scientist he examined not only the French constitution but the constitutions of most of the important states of Europe at first hand whilst on his travels. His early works the *Lettres persanes* and a slight study of the Roman empire showed the genius of his technique of comparison which was the special characteristic of his

work and, in a sense, the determinate of many of his most original conclusions.

This scientific comparative approach to the study of politics led Montesquieu to his first important conclusion: no absolute system of law similar to the theological conception of the law of God governed men's social activities. Nowhere to man's knowledge was there an immutable law in the universe, save in one limited sphere. The knowledge of God was an absolute necessity. All else were but apparent necessities coming under the general heading of 'conditional necessity'. Except in the sphere of mystical religion all other laws were relative and changeable. This belief in the constant changeableness of all laws concerning the major part of human activities was Montesquieu's basic principle. From this he elaborated a conception of the state embodying ideas which had long remained dormant in the west. His belief in flexibility was a subtle and dangerous attack on the growing rigidity of the French constitution and society and its obsolescent belief in the efficacy of divine right. But Montesquieu did not need in the eighteenth century to demolish in detail, as Locke had previously done, the theory of divine right by which the French monarchy justified its absolutism. The prevalent scepticism had already accomplished that task. Montesquieu was able to begin immediately on the elaboration of his own political theory in terms of this new conception of the nature of law. The *De l'Esprit des Lois* gave in its title the key to his philosophy of the state.

Having analysed and compared innumerable constitutions with Aristotelean patience and all the exactitude of a lawyer, Montesquieu affirmed that all positive laws within communities were made with direct reference to particular environments. They were closely bound up with what he described as 'nature'. This he expanded into the sum total of their economic, social and political background. Positive laws varied with the climate, political institutions, quality of the land, customs, commerce and manners of a people. They were in fact the product of environment. Their nature was variable and their essential characteristic adaptability. Montesquieu was feeling after a definition of law which would give it flexibility and elasticity as opposed to the set forms revered in the France of his day, where change was anathema to a society honeycombed with traditional pri-

vileges. All positive laws were related to nature, and the law of nature was human reason. Thus the necessary changes made in the expression of laws within a given society must conform to reason; they must be rational adaptations to environmental conditions. Montesquieu picked up Bodin's suggestions of the influence of climate on politics and elaborated it into a full blown theory of law and the nature of the state and its form of government.

The state was not, to Montesquieu, the result of a contract between its members. It was the product of its environment and obeyed the law of nature, which was the law of the universe, subject always to growth and decay. So the nature of the state became in his eyes organic not conventional. In this Montesquieu broke away from a theory of the state which had dominated European thinkers with few exceptions ever since the Christians had introduced the idea that the authority of the state was superimposed from above and hence was alien to its natural surroundings. There was no such conflict in Montesquieu's mind between man and nature: man was a part of nature whose chief characteristic was reason. The state was a natural growth subject to the law of change; its chief responsibility was to remain flexible and ever ready to adapt itself to any changes in its environment. Certain elements in the environment were necessarily static, such as climate. These gave a decided character to states. So Montesquieu thought that the temperate climates by the operation of the seasons gave just sufficient stimulus to the men of those districts to develop in them the best social virtues of hardihood, prudence and industry. In contrast to this, men of more relaxing climates, as in the south of Europe or of more strenuous climates as in the extreme north, had a handicap always imposed upon them, and their indolence or exhaustion were both essential factors in the development of the type of state in which they lived. There was no possibility that a mere human contract made between men could check or divert the development of their political institutions which irresistibly adapted themselves to the condition nature imposed upon them from without. Nevertheless, the law of nature was rational and political institutions must be moulded and modified by the operation of human reason upon them. Montesquieu's conception of the law of nature as human reason prevented him from becoming a wholehearted believer in

determinism. The law of nature might be irresistible but it was always rational. The essence of positive laws within a state was not command but recognition. The lawgiver did not dictate but strove to advocate by rational persuasion a rule which must be recognized by the recipient as reasonable before it would command obedience. So Montesquieu could not tolerate the absolute autocracy of France, but lauded with high praise the mixed constitution of Great Britain, which to him with the cursory glance of a stranger appeared to have achieved the correct equilibrium between the innumerable environmental conditions. He admired especially in the English constitution what he considered to be the complete separation of the legislature and executive. He saw in such a separation a formidable check on the development of an absolutist government resulting from the fusion of all powers into an indivisible control centre. The English constitution had the merit in his eyes of being capable of adaptation without violent upheaval. Nothing was so rigid in it that it could not be modified gradually and without a jar that would shatter the whole structure to pieces. The French constitution on the contrary was inflexible, absolutist and contrary to nature, for it could not adapt itself to the changing needs of the community.

Montesquieu's attitude was a grave challenge to the absolutism and decadence of Louis XV's government. His book published in 1748 became the gospel of the moderate legal party, which had such an influence on the course of events after 1789. His views on the necessity of the total separation of the powers were accepted as axiomatic and as the best check on absolutism. But the belief from which this sprang, the belief in the desirability and necessity of a flexible constitution sensitive to any environmental change, was not so wholeheartedly accepted by the constitution makers of 1790 whose chief object was to set up a rigid permanent constitution in France based on the example of America, and justified by such theorists as Locke and Rousseau. Nevertheless, Montesquieu's work was not without its influence. It formulated in terms of the state the discoveries and methods developed amongst the scientists. His technique was gradually to usurp the place of the methods used by his more famous contemporaries. In examining the state as a product of human activity and comparing its various manifestations, he suggested that the

human species had certain elements in common. These bound men together as a species and differentiated them from other animals. Reason was peculiarly human and enabled men to feel themselves in a fellowship transcending national or local boundaries. Montesquieu implied a fraternity within the species which later caught the imagination of the revolutionary mob. Fraternity became one of the watchwords of the crusading army of France against the oppressive governments in the rest of Europe.

But Montesquieu's theory of adaptability and the importance of tradition was not in keeping with the turbulent events of a revolutionary epoch. He wrote in quieter times and constructed a political theory more suited to a period of growth than to a period of cataclysmic changes. As events hurried the French nation on to the crisis of 1789 the question of the authority of the government was raised in a more acute form. The Encyclopaedists became more fiercely critical of the foundations of political authority and the limits of political obedience. The bonds of social and political union were minutely examined. Why did a man feel obliged to obey the commands of those in authority? Why did he yield his own judgment to that of the community in which he lived? Was the nature of man utterly subservient or had he in reality a motive force capable through reason of recreating his environment in greater harmony with his aspirations? Was the belief in the rights of man ephemeral, or founded on the solid rock of reality? None of the various answers given to these questions before the revolution fitted the mood of the time as well as Rousseau's. The personal conflict within Rousseau was the replica of the conflict within society just then gaining prominence. Rousseau sought to reconcile within himself his anti-social and social instincts; he sought to reconcile in politics the relation of the individual to the state; he examined with a fierce egotism the problem of political obligation. His solutions were inevitably cataclysmic and subtly in tune with the spirit of revolution.

Rousseau's writings on political institutions fall into two main groups: the first dealt with the idea of man in the state of nature, the second with man in society. Entirely contradictory as they seem on the surface these two conceptions were linked together by a unity of purpose. Rousseau was searching always for some power to bolster

up the moral weakness in man which he felt so acutely within himself. The development of Rousseau's character is the key to his political thought. He probed into social conditions in order to find some solution to his personal problems. His influence arose from the brilliance with which he examined the phenomena around him, the emotional vigour with which he set forth conclusions which were of supreme subjective value to himself and the sensitiveness with which he reacted to surroundings which his contemporaries also felt to be jarring but were incapable of apprehending so acutely. Rousseau was at odds with himself and could not let accepted notions rest. He searched feverishly amongst all the dogmas of the day to find amongst them some solution to the turbulence which racked his spirit. He would write on the principles of education, and place his children in the foundling hospital; he would demand equality for all men but would be content to profit from the privileges of his rich friends; he denounced immorality fiercely and was himself aghast at his own iniquities. He sought for a guard and stay in well-known paths, and finding no help he rushed on to construct his own principle which he hoped would render his vacillating will more upright, more consistent with itself. Rousseau was in search of moral integrity, the great gap in his own composition. In his search he examined and criticized accepted moral and political notions, and finally evolved a conception of society in which his weakness might receive strength.

Rousseau began by examining the conception of the state of nature. Many influences induced him to this. He had been brought up a calvinist of the Genevan mould where the *Institutes* was read and the belief in the original evil of man's nature emphasized. Man was a vicious outcast until God of his supreme mercy elected him for salvation. Steeped in calvinistic dogma Rousseau had read and meditated on the conflicting notions of the nature of man as presented by Hobbes and Locke. Was man vicious or virtuous by nature? Both writers envisaged primitive man as either rationally bad or rationally good; but Rousseau's ungoverned emotions made him query the rationality itself of human nature. Just at this time the discovery of the natives of the Pacific islands emphasized the fact that primitive peoples were peaceful but not particularly rational; custom and superstition formed their social obligation. The discoveries of the day

influenced Rousseau even as the discoveries of the warlike North American Indian tribes had influenced Hobbes. Rousseau set himself the task in his first essay touching on political philosophy to inquire into this presupposed state of nature by which certain rights were claimed for the individual, in which every individual was supposed to be equal to his fellow. Were all men equal, were they all vicious, or virtuous? What exactly was the nature of man? Did his nature warrant his disgust with himself and his surroundings? Rousseau's first semi-political essay was appropriately entitled '*Discours sur l'origine et les fondements de l'inegalité parmi les hommes*'. Rousseau in his very first essay struck at the root of an almost sacrosanct dogma of the eighteenth century.

Rousseau denied both Hobbes' and Locke's views of primitive man. He asserted that they were both presupposing a man with highly civilized attributes whether moral or social. Hobbes' terminology of 'force and fraud' suggested that he was condemning the state of nature in terms which would have been totally unintelligible to a man without highly developed moral sensibilities. Locke on the other hand described his primitive man as firmly bound by the law of nature which was the law of God, and living a restrained moral life without an urgent need for political institutions. Both these views were wrong. Rousseau maintained that primitive man was nearer animal than man; he lived an isolated life with no ties and no obligations. His relations with other men were casual; his mode of life erratic. The only distinctions between men and beasts were a sense of pity and the capacity for development. Rousseau's 'noble savage' was a blend of impressions of the recent geographical discoveries and the results of the science of anthropology just then beginning. The moral sense might and did exist in man but it was very slow to develop and was in no way as clearly defined as suggested by Locke. Nor had man the intelligence to outwit his foe as suggested by Hobbes. Man in the primitive state was a creature of impulse and instinct in whom the quality of foresight was also slow in developing. In the state of nature then man was solitary and non-moral. Speech even was undeveloped, for speech presupposed communication and some social interplay. So primitive man was devoid of language and wandered about the primeval forests begetting his offspring by the

way, hunting for his food and concerned only with the satisfaction of physical needs. More sophisticated needs had not yet developed.

How long this state of solitude existed Rousseau made no attempt to estimate, but a time came when men changed their mode of life, and began to live in settled groups. Immediately the state of nature receded into the background and social institutions sprang up. The family unit came into being and from that political institutions gradually evolved. But the fundamental change was the exchange of a precarious mode of life to one involving the institution of property. What a man had been content to look upon as his mere possessions, now that he had interest in a given portion of the earth and a posterity to care for, he wished to be regarded as his very own inalienable goods. He wished his possessions to be recognized as his property. The effects of this desire were very great. 'The first man who enclosed a plot of ground and bethought himself of saying *This is mine*, and found others foolish enough to believe him, was the true founder of civil society.'

The change wrought in man's nature by this change in his conditions was immense. He was no longer independent and solitary and innocent; but was now dependent on others, and, resenting it, was filled with a sense of rivalry, self-assertion and vanity. Above all the institution of property brought with it insatiable greed and a desire for dominance by its possessors. So the rich made slaves of the poor and society sank into an abyss of vice and antagonism from which it had never extricated itself. The pristine happiness of man in a state of nature vanished for ever never to be recovered. The essay ended on a note of utter despair. Society corrupted man; man could only maintain his innocence at the price of knowledge and society. The untarnished innocence of the state of nature was the unsullied darkness of ignorance. The gleam of the law of nature which had guided and restrained the brutish man of Hobbes' imagination and the Christian of Locke's was declared by Rousseau to be too fitful and uncertain for such a purpose. Rousseau in his distrust of the law of nature broke from a tradition which had been established in the west since the time of the Stoics. He could not rely on anything to help man in his dilemma. The primitive savage, a creature of impulse and instinct, had no innate knowledge of good and evil sufficiently con-

vincing to form a reliable guide to conduct. His moral perceptions were weak, whilst his desires were strong; his reasoning power was still in embryo. On what could he rely? His more sophisticated descendants in society were corrupted by their mere contact with their fellows with whom they only associated for the extension of vicious desires such as greed and dominance. Nowhere could Rousseau find either in the state of nature or society some authority which was vital enough to stay the corruption in man. The individualism inherent in his description of the solitary state of primitive man was examined by Rousseau and found wanting. Never again did he return to the individual to search for that stability which was his goal. Rousseau's own emotional instability found its justification in this description of primitive man; he was confirmed in his belief born of his calvinistic upbringing, that order and restraint could not issue forth from the undeveloped consciousness of primitive man nor the corrupted desires of his more sophisticated descendant. There was no hope to be found in the individual, nor in the law of nature. Where then was moral integrity to be found? On what could society build its foundations?

Rousseau did not attempt to answer this question in the *Discours sur l'Inégalité*. He was content in this essay fiercely to denounce existing corruptions and to blaze abroad his contempt of existing society. His disillusionment with human nature did not preclude him from championing sections of humanity on whom he thought social institutions were more oppressive than on others. He identified himself with the poor against the rich; for he saw in the poor some traces of those primitive qualities of pity and untarnished humanity which the rich trampled carelessly underfoot in their pursuit of power. He still could write 'Everything is good as it comes from the hand of the Creator', though he immediately had to add, 'Everything becomes evil in the hands of man'. He could not throw off the mighty shadow of Calvin. As he proceeded in his search for an absolute standard of conduct he came very near his great predecessor's conclusions, with one great difference: where Calvin believed God to be the fountain-head of all moral vigour Rousseau in the religious scepticism of the eighteenth century believed that the mystical body of the state had this virtue. This was the second and final stage in the development

of Rousseau's political thought; it followed upon his failure to believe in the individualism which flourished in the middle of the eighteenth century.

Rousseau finished his *Discours sur l'Inégalité* in 1755; in the same year he wrote the *Économie politique* which formed the basis of the *Contrat Social.* The *Contrat Social* was not completed until 1762. This work contained his own solution to the vexed question of a standard for personal conduct. As he developed his theme in relation to political institutions he revealed his conception of the relation which the individual bore to the community. Psychologically Rousseau sought for a co-ordination between himself and his surroundings; politically he tackled the problem of political obligation. He examined carefully the exact amount of restraint which the community should exercise upon its individual citizen; the nature of that individual which required restraint and a certain measure of satisfaction to its desires; the nature of those desires; the form of government which would best conform to the needs of the community; the nature and extent of the power exercised by the community.

The real subject of the *Contrat Social* is given in the more appropriate sub-title '*Principes de Droit politique*'. Rousseau set himself to find the bond which might justly unite men together in society. He rejected the theories that society was the off-shoot of the family, and that it was created by force. Neither of these would have constituted that moral sense of obligation he sought so passionately. In spite of his disillusionment with the nature of the individual he allowed it to make one more gesture before he entirely obliterated it. The establishment of an association of men whose commands would be binding must be made by the free consents of its members if it was to be morally binding on them. So the actual making of the original contract was the work of the individual. In the eighteenth century when God was discredited, man alone was left to perform the creative act of society. Rousseau wasted no time in elaborating what condition men were in when they decided to unite in communities, whether they are still primitive and unsullied, or sophisticated and vicious; he merely labelled the pre-social condition the 'state of nature', the same name he had given to the long period so fully described in his *Discours sur l'Inégalité.* He did not even attempt to

account for the motives which drove men to abandon their solitude except to say vaguely: 'I suppose men brought to the point at which the obstacles which make it difficult for them to remain in the state of nature carry the day over the forces which each individual can bring to bear, so as to maintain himself in that state. That being so, it is impossible that the primitive state should continue; and mankind would perish, if their way of life were not entirely changed.' So driven by necessity to escape the corrosive forces within their own nature, lest they perish, men sought refuge against themselves in association with their fellows. The state of nature was merely a negative condition antecedent to a state of society. In the *Contrat Social* it played no other part. Rousseau looked to the community to save his vacillating soul.

The moment of recognition which was the foundation of society was described in almost mystical language. Rousseau undoubtedly felt a sense of relief amounting to the illumination of a conversion when he envisaged the community undertaking the burden of responsibility he himself was too weak to bear. He saw the individual striving to maintain his liberty not in the sense of freedom to do as he would, but rather in a religious sense, of freedom to pursue the right; liberty to Rousseau must include that strength by which alone man might be free of his inner corruption. 'How can we find', he asked, 'a form of association which shall enlist the forces of the whole community for the protection of the person and good of each associate? And in virtue of which, each, uniting with all, shall in spite of this obey no one but himself, and remain as free as he was before? Such is the crucial problem, the solution of which is given by the social contract.' This contract was a dramatic submission of the will of the individual to the group rule. It was unhampered by particular forms; it was essentially a mystical experience. 'These clauses (i.e. the particular forms the contract may take), properly understood, reduce themselves to a single one; that is, the total surrender (*aliénation totale*) of each associate with all his rights to the community at large . . . If then we put aside all that is not of the essence of the contract, we shall find that it reduces itself to the following terms: Each of us throws himself and all his powers into the common stock, under the supreme control of the general will; and, as a body, we receive

each individual member as an inseparable part of the whole.' The language is strikingly reminiscent of the rite of baptism; the alleged transformation was as profound. 'The passage from the state of nature to the civil state brings about a momentous change in man. In his conduct, it replaces instinct by justice, and gives to his acts a moral character which was wanting to them before. The voice of duty takes the place of physical impulse; right supplants appetite. Now for the first time, man, who hitherto had thought only of himself, sees himself forced to act on other principles, and to consult his reason before listening to his desires. It is true that, in the civil state, he deprives himself of many advantages which he holds from nature. But, in return, he gains advantages so great, his faculties are so trained and developed, his ideas so enlarged, his whole soul exalted to such a degree, that, if the abuses of the new order did not often degrade him below the level of that form which he has escaped, he ought without ceasing to bless the happy moment which tore him for ever from the old order, and which, of a stupid and limited animal, made him a reasoning being and a man.'

Whence came the power to effect this miraculous change? Rousseau asserted it arose in the act itself of association. By that act not only did the individual abdicate from the weaknesses inherent in his nature, but there came into being the living body of the community, from which the vitalizing controlling 'will' flowed which Rousseau sought so diligently. The description of the creation of the body politic was again similar to the Christian doctrine of the foundation of the church. 'At that very instant and in virtue of this act of association, the individual self of each contracting member is replaced by a moral and corporate body, composed of as many members as the assembly contains votes. And from the same act this collective body receives its unity, its corporate self (*son moi commun*), its life and its will.' Thus the sovereign body was created whose main function was to guide and strengthen its individual members who had associated together in order to partake of its moral virility sadly lacking in themselves. To carry out this function effectively the community must have absolute power both moral and physical. 'In order that the social contract may not prove an empty formula, it includes the tacit understanding that, whoever refuses to obey the general will, shall be

compelled to obedience by the whole body of citizens. But this means nothing more than that they will force him to be free.' The will of the community was omnipotent. Rousseau regarded the will of the community described as the 'general will' as an emanation from its corporate self, something inherently different from and superior to the sum of the individual wills of which it was composed, which separate parts Rousseau distrusted completely. His psychological necessity drove him to exalt the body politic into that authority which he so desired in his own life; it forced him to conceive of the community as a group consciousness having a life separate from the life of its members, from which alone its members could draw the sustenance necessary to their full development. Unless this act of association was a conscious act of the people, unless they had together felt the rapture of throwing the burden of their loneliness on to the pulsing quickening heart of the corporate self they themselves created, 'the earth might be covered with men, but among them there would be hardly any communication. We might touch each other at point after point, and find union in none. Each would remain isolated amongst the others; each would think only of himself. Our understanding could never develop. We should live without any feeling, and die without having lived. Our whole happiness would consist in not knowing our misery. There would be neither kindness in our hearts, nor morality in our acts. We should never have tasted the sweetest feelings of which the soul is capable: that is the law of virtue'. In the group life Rousseau found rest and strength for his lonely restless self. He recommended it in burning fanatical eloquence as the solution to the social and moral problems of his day.

The political conceptions inherent in this view of the origin of society and flowing as a result from it were composed of a mixture of ideas drawn from Plato, the Roman lawyers whom Rousseau profoundly admired and Montesquieu's works whose impression can distinctly be seen in the section of the *Contrat Social* devoted to the functions of the lawgiver. But the conglomeration of ideas was not merely repetitive; they were welded together by Rousseau's intellectual originality and the force of his emotions driving him to prove his case conclusively, to himself at least.

The motive for the creation of the state is the clue and the deter-

minate cause for the rest of Rousseau's political conceptions. He had postulated as a necessity arising from the quality of human nature and as a condition of its proper growth the establishment of a corporate body whose powers would be absolute and unlimited. The individual was merged into the community from whence alone his highest life flowed. He was entirely dependent on it. But Rousseau did not mean to reduce his citizen to the position of a slave. The truest freedom lay within the bounds of society which forced every man to be free. Paradoxical as this may sound it is the key-note of Rousseau's political philosophy. He was seeking, as he said at the beginning of the *Contrat Social*, to find how the individual self might develop and maintain his freedom; and Rousseau's disillusionment with human nature had forced him to rely on the community to supply the driving force necessary to keep the individual in the path he himself would wish to follow had he but the moral strength. The main object of the *Contrat Social* was to show how the individual might best develop by means of this instrument, the corporate self, to which Rousseau clung as his solution.

How did the corporate self express itself? How far did it keep in touch with the individual wills by whose act it had originally been created? In political terms what was the form of the executive and its powers; what was the relation between the government and the state or the legislature and the executive; what were the limits of the political obligation of the citizens? The expression of the general will of the community was the law. Unless everyone partook in making the law it would not be an expression of the general will, so it would cease to be law or binding. The conclusion was that sovereignty must reside indivisibly within the community. But Rousseau again could not trust the voice of the people whose individual characters were still in his mind unreliable. Throughout the *Contrat Social* he never swerved from his condemnation of the multitude. He saw no hope in the rule of the people. 'How can a blind multitude, which often does not know its own mind because it seldom knows its own interest, carry out in its own strength an enterprise so vast and intricate as that of legislation?' Yet if the multitude were not to do it, who was to create the law which was the first concrete manifestation of the general will without which the original compact would be but a phantom?

Rousseau, like Plato, turned to the wise man in his dilemma and called him out of vacuum to perform this, the first function of the living community. The wise man was to be the saviour of the community. He was its lawgiver. His powers were omnipotent. He 'must feel himself in a position to change the nature of man; to transform each individual, who in himself is a self-contained and isolated whole, into part of a larger whole, from which he receives in some sense, his life and his being. He must feel himself able to alter the constitution of man, with a view to giving it greater strength; to put a dependent and moral existence in place of the independent and physical existence which we have received from nature. In a word, he must take from man his natural powers, in order to give him powers which are foreign to him, and of which he can make no use without the help of others. The more completely those natural powers are mortified and annihilated, the greater is the strength and durability of those which he acquires; the more solid and perfect, moreover, is the work of the Lawgiver'. The work of the lawgiver must, however, be submitted to the people for recognition otherwise it would not receive their sanction, and without the sanction of the general will no law was binding. The sanction was given by the free votes of the citizens. But the agreement had to be unanimous otherwise the general will did not operate, and the community would break up into factions of particular wills. In order to overcome this difficulty of an early split and a return to the abhorred state of nature, Rousseau insisted with a touch of Montesquieu that the lawgiver should adapt his laws to the needs and nature of the people he sought to govern. The guide of the lawgiver should not be moral right but expediency. Expediency must take into account climatic, commercial, social and traditional characteristics of a nation.

The form of government was determined by circumstances. Any form was legitimate; but Rousseau persisting in his distrust of the people rejected democracy and chose aristocracy as the best form of government. Monarchy seemed to him too prone to corruption to be given supreme control of the executive. An aristocracy was the most likely group to possess the right amount of will and intelligence to grapple with the difficult task of formulating laws agreeable to the sovereign people and then carrying them into execution. Rousseau

distinguished carefully between sovereignty and government, and whilst insisting that sovereignty, the greatest power in the state, resided in the general will of the people, refused to allow the same people to meddle with the reins of government lest their natural incapacity bring the whole state to ruin. In the ideal republic the relation between the government and the people was not, as Locke maintained, between two parties of a contract. The government to Rousseau was the trustee of the people who were constantly supervising its work and at any moment might revoke their trust and vest it elsewhere. There was no need in such a relationship for a judge between the two contracting parties as there was in Locke's theory. Sovereignty lay in the people embedded in them in the same inexplicable manner as *imperium* resided in a Roman community or divine grace in a church. The people could not share their sovereignty through a contract with the government; it was indivisibly part of their corporate self.

The necessity of maintaining the sovereignty of the people over the acts of the government led Rousseau to two important conclusions. The general will being of a mystical character inherent in the corporate body of the community could not be expressed through representatives but must always be expressed directly. Government by representatives was vetoed as impossible. The governing body had at any crisis to go direct to the people for their consent by their direct free votes. Rousseau roughly swept out of his path all theories of government resting on the representative principle. He drew his second conclusion urged by this desire to keep the government in intimate touch with the general will of the people: he advocated that the proper territorial limits of the state should be those of a small city-state, a size commodious to the frequent consultation of the general will. In this Rousseau rejected the existing national organizations and proposed in their stead a federation of innumerable small republics. This federal system, much modified, became later the model used by the revolutionaries when they established new forms of government throughout a conquered Europe.

Rousseau's influence was dynamic and ubiquitous. The French revolutionaries and later the rest of Europe attempted to translate his political theories into history. His early examination of the state of

nature and natural rights led him to a fierce attack on the existing systems of government. He saw in them the epitome of the viciousness which arose from the establishment of property and the desire for exploitation inherent in unregenerate man. His eloquence in condemning the decadence of society fired the discontented citizens of France to further efforts to break down the old order and to make room for the new. Rousseau's later postulation of the new potent community which would rise from the wreck of the old set a concrete ideal before the inflamed imagination of the revolutionaries. His theory of the state as a moral entity filled with a new regenerating force capable of restoring the downtrodden vitiated subjects to the full vigour of upright citizenship, expressed in coherent form the uprising force of popular nationalism just about to sweep Europe from its old political moorings. The works of Rousseau were the textbooks of the French revolution. His disciples in those troubled times preached his gospel at the street corners and in their many assemblies. Just so had the bible filled the imagination of the men of the Reformation; just so did *Das Capital* intoxicate the revolutionaries in twentieth-century Russia. All three postulated a new gospel of emancipation. But their methods of achievement differed. Rousseau stands midway between the two extremes of the divine agency of the Christian solution and the biological atheism of Marx. Rousseau saturated with the Christianity of Geneva and psychologically at war with himself endowed the community with that mystical power to regenerate himself and others hitherto only associated with religious bodies. This moral entity was possessed by its very nature of an absolute, indivisible, unlimited sovereignty stretching over every phase of its citizens' lives, nay indeed, being itself the source and inspiration of their newly quickened life. The community reconstructed from the several vitiated fragments of humanity was itself miraculously but inconsistently delivered of the burden of vice. It was the source of all morality. The community was strong enough to override the weaknesses of its individual citizens; it strengthened them by its sheer force to be free. Rousseau offered to Europe at a moment of deep perplexity and discontent a justification to break from the old worn out systems, and an ideal to be sought for after the work of demolition was over. In the new national community infused

with popular enthusiasm he revealed a bond of association strong enough to override the disunity inherent in the natural rights' theory of the state. He postulated in the community a mystical union of wills into the 'general will' capable of demanding the utmost obedience from its separate members. The community and not God nor nature was the real source of political obligation.

The French revolution stirred Europe to its depths. The revolutionary armies immediately threatened the states with tangible attack; their doctrines more slowly but more subtly and effectively undermined old standards and concepts. Within less than a generation men saw their old mode of life dissolve and a new one take its place. The French set up republics modelled on their own throughout the greater part of Europe within less than twenty years from the outbreak of the revolution. The gospel of Rousseau with its many inconsistencies spread with the rapidity of a new faith.

Part II: Parliamentary Reform in England

England alone of the old countries remained apparently unshaken by the onslaught of French enthusiasm. But her calm was only apparent. Long before the outbreak of the revolution, the works of its writers and the tenets of its faith were causing some agitation amongst English political thinkers. The writings of the agitators for Parliamentary reform and of the group round Paine and Godwin formed a nucleus of revolutionary literature sufficient to cause apprehension to the government and its supporters. The wild excitement aroused by the Middlesex election showed the growing strength of popular feeling even though confined to a small locality. The formation of the society for the defence of the Bill of Rights in 1769 indicated the trend of advanced opinion. Within Parliament the discontent expressed itself in a persistent demand for some measure of reform. The growing rapidity of economic changes increased the sense of insecurity. Burke as early as 1770 noted 'that rank and office, and title, and all the solemn plausibilities of the world, have lost their reverence and effect'. The arguments for and against the American colonies' independence stimulated inquiry into the basic assumptions of the

state from 1776 onwards. The American war of independence brought forward the question of the extent of the rights of man and the limits of political obedience. But the question of the colonies was too remote to provoke widespread discussion. It was not until the advocates of the rights of man began to criticize the existing English government as an inadequate institution and subversive of the proper expression of these rights, that Englishmen interested in the problems of government roused themselves to consider whither the new criticism might lead. In 1784 Pitt made his famous appeal to the voice of the people. Five years later across the narrow twenty miles of sea, the French people gave their dramatic interpretation of these popular rights. Few Englishmen were prepared to go as far as the revolutionaries after 1790. The movement for Parliamentary reform leading to a greater expression of popular opinion was momentarily checked. The English paused in distaste of such violent upheavals.

Edmund Burke eloquently expressed the motives for this hesitance and interpreted with acute perception the eighteenth-century belief in benevolent despotism and the value of gradualism in reform prevalent amongst the governments of his day. His defence of the British Constitution embodied a justification of conservatism at its best. He perceived and attempted to define the essence of the conservative mood of a people. Incidentally from this fresh standpoint he offered yet another exposition on the theme of political obligation and its relation to the popular and growing belief in democracy. Writing before the actual upheaval of his own country, he depicted the laws of gradual change in terms reminiscent of Montesquieu by whom he was greatly influenced. But Montesquieu had written before either the American or French revolutions. Burke saw both as accomplished facts. His intense interest in practical politics gave immediate importance to his views. He was, so to say, applying the general principles of Montesquieu to the particular situation of his time. He modified them here and elaborated them there.

Burke denied outright the validity of the idea of the rights of man. He asserted this was but an abstract conception, totally unrelated to any evidence of the actual working of states. Men were not seeking to assert a group of rights appertaining to their nature in some mysterious fashion. Men were placed on the earth with their relation-

ships already specified and arranged by God. 'The awful author of our being', he said in his *Appeal from the New to the Old Whigs*, 'is the author of our place in the order of existence; and that, having disposed and marshalled us by a divine tactic, not according to our will, but according to his, he has, in and by that disposition, virtually subjected us to act the part which belongs to the place assigned to us. We have obligations to mankind at large which are not in consequence of any special voluntary pact. They arise from the relations of man to man, and the relations of man to God, which relations are not matters of pact. On the contrary, the force of all the pacts which we enter into with any particular person, or number of persons, amongst mankind, depends upon these prior obligations.' So, he insisted, the relationships arising from marriage, parenthood and nationality had an inherent sanctity which men could not abolish. The duties not the rights of man were fixed irrevocably by divine law.

But Burke did not sweep away all possibility of progress with this statement. Though the basic relationships of mankind were immutable, their particular relationships in a given society were subject to change. Every society was marked with signs of corruption and decay. How were these to be removed? How did Burke propose to adapt the existing governments to the needs of the people? How did he hope to reconcile popular rights with the aristocratic form of the English benevolent despotism?

Burke recognized the importance of public opinion. He regarded it as 'the great support of the state' which depended entirely on the voice of the people. He supported the claims of the American colonies; he protested in favour of the rights of the Indians to protection against the exploitations of the trading companies who worked contrary to the temper of Indian opinion. But he was not prepared to admit that in England sovereignty lay in the people. 'I cannot indeed take upon me to say,' he asserted in his *Speech on Economical Reform* in 1780, 'I have the honour *to follow* the sense of the people. The truth is, *I met it on my way*, while I was pursuing their interest according to my own ideas.' The people were not capable of executing the functions of government, however important it was that the government should always act in their interest. So long as their demands 'do not militate with the stable and eternal rules of justice

and reason (rules which are above us and above them)', then their desires can be regarded as a law to be obeyed by the governors. But the people of themselves could not judge this high matter of whether their desires were in accord with justice and reason. Nor did they want to.

Such power of discrimination and hence the ultimate sovereignty of the state resided in England in Parliament. In any other state he implied that sovereignty resided where it happened to be found. This finding was not accidental. It was the result of a long sequence of events. Burke embarked on his philosophy of tradition. The constitution of a state was established, Burke explained, by prescriptive right; its 'sole authority is that it has existed time out of mind'. Prescription, he urged, was 'the most solid of all titles, not only to property, but what is to secure property, to government'. Time-honoured custom and tradition placed authority on a more solid basis than just the inertia of habit. Prescription was 'accompanied with another ground of authority in the constitution of the human mind, Presumption'. Every nation had a presumption towards a certain form of government, which was never the product of a moment's effort or turn of fortune. 'A nation,' he explained, 'is . . . an idea of continuity which extends in time as well as in numbers and in space. And this is a choice not of one day, or one set of people, not a tumultuary and giddy choice; it is a deliberate election of ages and generations; it is a constitution made by the peculiar circumstances, occasions, tempers, dispositions, and moral, civil, and social habitudes of the people which disclose themselves only in a long space of time. It is a vestment which accommodates itself to the body.' The constitution of a state, as Montesquieu had already shown, was the result of a long process of growth motivated by the habits of the people reacting to their physical environment. The people by some natural power had selected their governors in the dim recesses of the past. Time sanctioned authority. The people's voice was not strong enough in a single blast to direct their own activities. 'For man is a most unwise and a most wise being. The individual is foolish; the multitude, for the moment, is foolish, when they act without deliberation; but, he added, proudly illogical, 'the species is wise, and when time is given to it, as a species it always acts right.' It was this blind

process operating within the people, he concluded, which had made the British Constitution what it was, that had placed sovereignty for ever into the hands of the governing minority of English aristocrats.

Since Parliament had received its authority from the only valid source, the custom of the ages, reforms which suggested that sovereignty resided in the people were irrelevant and dangerous to the natural habit of the people. Burke unhesitatingly condemned the movement towards democracy and the attempt to make Parliament a representative organ of the people. Parliament was the ruling body in the country; it had no need to be representative of a people whom its function was to govern. Burke deeply resented any infringement on Parliamentary authority or privilege. He was suspicious of advice even of an expert kind to members of Parliament. In arguing against the Board of Trade as a corrupt ineffective body of men eager for office, he indignantly declared: 'We want no instructions from boards of trade, or from any other board; and God forbid we should give the least attention to their reports. Parliamentary inquiry is the only mode of obtaining parliamentary information.'

Nevertheless Burke was ready to curtail the actual sphere of governmental control to certain narrow limits. Government existed vaguely enough to serve the interests of the people, to interpret their inarticulate desires as best as might be good for them, to lead the people to material prosperity and eternal happiness. Governors should regard themselves as holding a sacred trust for the people in the eyes of God, not to be lightly abrogated or destroyed by the moral corruption of the governors. But there were some things with which the governors were incapable of dealing. Commercial and industrial life should go its own way, obeying the laws of its own being. 'Commerce . . . flourishes most when it is left to itself. It is very well able to find its own way; and its necessities are its best laws.' Burke, whilst advocating a benevolent supervision for the people, was prepared to allow complete freedom in economic matters to the business world. He argued that the state could have no proper knowledge of so skilled a pursuit as business. Vividly he denied that 'the desk ought to read lectures to the anvil, and the pen to usurp the place of the shuttle'. Burke, whilst denying the rights of the individual in politics, heartily

supported their free expression in economics. He endorsed the doctrine of *laisser-faire* with all the eloquence at his command.

In politics, no quick changes were desirable or truly valid. 'A temperate reform is permanent; . . . because it has a principle of growth.' Change he certainly advocated, but always with a slow movement, so that 'we can proceed with confidence, because we can proceed with intelligence'. Any 'hot reformations' were too crude, too undigested to remain; they were 'so contrary to the whole course of human nature and human institutions'. The very flow of time which had suggested to Montesquieu the inevitability of change formed the basis of Burke's argument against the rapidity of that change, which he perceived from 1770 was fast coming upon the society he so cherished and longed to keep intact from the contaminating influence of the rude populace. In a form of society about to dissolve Burke clung to the sense of continuity to check the rapidly flowing tide of change. 'Individuals', he poignantly realized, 'pass like shadows; but the commonwealth is fixed and stable.' In this protestation he hoped to calm his own fears. The whim of individuals could not be the proper guide to any change. Only the aristocracy could really discover the type and measure of reform necessary to keep the body politic in health. The people had to obey these rulers chosen as their guides by the accumulated experience of past generations to discover and effect their secret desires. Burke reviled in growing hysteria the French populace who had dared to reject their sacred constitution, who had dared to assert that government came ultimately from the hands of the crude untaught multitude, and was no favour conferred on a people by those appointed to rule by the decree of ages. Yet earlier he had declared that public opinion was the great support of the state.

Burke still retained that reliance on divine agency in politics which almost all his great contemporaries had rejected. He was essentially conservative. But his conservatism was not rigid. Far otherwise. He recognized the importance of the populace; he saw the governors as the 'virtual' though not the actual representatives of the people. The legitimate wishes of the people must be regarded as a law unto the omnipotent House of Commons. His philosophy of tradition promoted a belief in the desirability of change, of constant growth. Like

Montesquieu he rejected the conventional notion of the state. He saw it rather as a living organism evolving through space, and as a species, always acting right. Humanity actually was responsible for its own form of government. God had merely drawn the design which the growth of the living species had filled in according to its will. Past experience was the competent source of the authority of the state. The conservatism of Burke was impregnated at its core with the scientific humanism of the eighteenth century.

The passion for constitutional reform so feared by Burke was checked after 1793 by a diversion into patriotism. The long war with France broke out. It not only absorbed the national energies but it created definite antagonism to any extension of popular control. It enhanced the fears of the conservatives and gave point to their policy of reaction and preservation of the traditional form of government by an aristocratic minority. But the peace of 1815 released with renewed vigour the forces for reform. Burke's conservative belief in the necessity for only gradual change was no longer relevant. Cataclysmic events had thrown political, social and economic life out of joint. Drastic adjustments amounting to revolutionary change in the machinery of government became urgent. The growing belief in democracy made it impossible to bolster up for much longer the edifice of aristocratic rule which Burke had so ably supported. After 1815 the sacred British Constitution was subjected to attacks of increasing frequency from the tumultuary and giddy populace. Several causes contributed to this growth of democratic feeling and the importance of the rights of man in opposition to the control of the ruling class.

The situation was in some ways parallel to the situation in France before the revolution. French revolutionary ideals had made an indelible impression on the English. The slogans of liberty, equality and fraternity were the commonplaces of every agitator. These rights of man became familiar to a host of Englishmen through the revolutionary works of Tom Paine and his many literary disciples. These rights were not merely inscribed in lifeless books; they stirred with dynamic force the peoples of Europe to resist first their legitimate rulers and then the oppression of the tyrant Napoleon. The English had been foremost in this war for the liberty of nations against the

overweening imperialism of Napoleon. Paradoxically the English fought for popular rights abroad whilst the rights of their own people were persistently ignored, if not suppressed, by the government in power. Just as in France before 1789, a new class had arisen in England after 1815 who keenly felt their political exclusion. This new middle class of business men arose as a result of the changes in economic conditions. They were associated with the professional class, they were stimulated by the poets of the new romantic movement such as Shelley, Byron and Burns. They were inflamed with a passion for liberty, and articulate against the exclusiveness of the ruling minority. As in France a new *bourgeois* class had arisen with substantial claims for a right to participate in the government of their country.

Two new factors made the pre-reform situation in England differ substantially from the French situation prior to 1789. The industrial revolution created for the first time in the west a proletarian multitude. The peculiar conditions of factory life induced a degree of intimacy and association amongst the masses hitherto unknown. The appalling conditions attendant on factory life at the same time furnished irritating goads to discontent. The working classes, though for the most part too downtrodden to be active, yet were beginning to stir in their apathy. Here and there workers' associations sprang up. The more intelligent of the workers had attempted to combine in defence of their economic status at the beginning of the period of rapid change. These efforts were met with rigorous suppression. The Combination Acts drove the economic resistance of the advanced workers into political revolutionary channels, where the rights of man embodying liberty of speech, freedom for fraternal organization and equality before the law gained a new and poignant content. The *élite* of the proletariat in the face of a sardonic indifference to their sufferings were becoming dangerously articulate and revolutionary. The rights of the masses and not merely of a section of the people were becoming of vital interest to an increasing number of people. The social conditions of a vast multitude had become a just cause of complaint.

Simultaneously the public conscience became more sensitive to suffering. The evangelical movement of the early nineteenth century

stimulated the growing concern over the wretchedness of conditions. The evangelicals preached the worth of the human soul to masses half-dazed by the oppressive conditions thrust upon them by the unaccustomed mode of life in a factory. The same motives which fired the zealots in the campaign for the abolition of the slave trade instigated them to emancipate their own fellow countrymen from the stupor of ignorance and immorality which threatened their immortal souls. The great weapon for the evangelicals was the bible. But the art of reading was a necessary precedent to the assimilation of the reviving word. The evengelicals led the way with their Sunday and Saturday schools in a campaign to educate the illiterate masses. They were ably assisted in their task by the enthusiasts for democracy who urged the necessity of educating the sovereign people to the full measure of their grave responsibilities. The evangelical humanitarian movement quickened sympathy for the masses and inaugurated a campaign to stimulate and upraise them from their apathy. The situation in England before 1832 differed from the pre-revolutionary French period in having this new closely herded together and slowly awakening populace, gradually gaining a sense of injustice and a sense of injury from society, and in having a public opinion quickened to a new sensitiveness about such wrongs. Just as the evangelicals, the radicals and the poets were emphasizing the importance and beauty of the individual, just at that moment the industrial revolution was degrading human life with mechanical indifference to the sufferings of individuals. The essential problem in England was the misery of the masses. Conversely Bentham and the radical reformers held as their chief objective 'the right to happiness', which had been catalogued as early as the American war of independence as one of the inalienable rights of man.

The glaring contrast between the ideals held before the people by evangelicals, radicals and poets, and the actual appalling conditions of life, emphasized the urgent need for action to be taken in the interests of the oppressed multitude. New social problems of unprecedented magnitude had arisen. It was urgently necessary to regulate conditions of life and work which had sprung up like mushrooms in the night of a single generation. The request became articulate that the rights of the people merited some attention from

the government. This involved an apparent contradiction. The advocates of individualism called upon society to take concerted action in the name of the masses. How was it possible to reconcile the thesis of individualism with the antithesis of the state?

Specific queries centring round this problem arose in the realm of political philosophy. A new multitude of citizens had entered the political arena claiming new rights for themselves and demanding a satisfaction of their needs which put an unprecedented strain on governmental action. What was to be the relation of this new type of citizen to his fellows? Had they all equal rights? And by what means were these rights to be so regulated that they did not overlap each other and so prevent their effective operation? How much liberty had each individual the right to expect? Was society merely a mass of unrelated individuals or was there some common factor uniting the community and constituting an end in common which the individual could only achieve through the community? What was the end of each individual; was it coterminous with that of the state or not? These and kindred problems orientating about the nature of the individual and his relation to the community were the prominent questions of the day. The central figure was 'the individual self' of Rousseau's earlier works. The task of the radical political thinkers was to give weight to the individual unit through the action of the community. They must strive to justify in acceptable terms the belief in the value of each single personality and the necessity of state interference on a large scale in the various activities of the citizen. Again in England, as earlier in France, the reformers sought for a reconciliation between the rights of man and the obligations imposed by society for the preservation of those rights without fundamentally destroying them. What was the most valid basis of political obligation?

Jeremy Bentham stood out as the dominating political philosopher of the radical reform group. He did not seek like Rousseau to escape from grim actualities into mysticism. He approached his problem in the spirit of a scientist firmly convinced that the wrongs of the people were commensurable, that their happiness could be assured when once its measurements were ascertained. Again he differed from the French theorists in his application to actual conditions in politics and

did not wander into the labyrinths of abstract speculation. His theories of the state and of law were composed with a view to their practical application. His theories were essentially comments on a given situation. He was an inductive scientist drawing conclusions from his laboriously collected data.

The circumstances of his life peculiarly fitted him for his task as leader of the radical reform party and as their political scientist. Bentham's long life bridged the gap between the pre-revolutionary world of the middle eighteenth century and the turbulence of the early nineteenth century. '1776 was the year of the American revolution, which prepared the way for the European revolutions; it was the year in which Adam Smith published his *Wealth of Nations*; in which Major Cartwright drew up for the first time in England the future radical and chartist programme of annual parliaments and universal suffrage; but it was also the year in which Bentham, who was then twenty-eight years old, published his first work, the *Fragment on Government*. 1832 was the year of the reform which, for the first time in England, granted the benefit of the vote to the industrial districts, and to a certain extent, to the working classes, and gave to radical opinion the chance of expressing itself and of exerting an influence on the legislation of the nation; but it was also the year in which Jeremy Bentham died, at the age of eighty-four, venerated by a group of disciples as a patriarch, a spiritual leader, almost a god, with James Mill as his Saint Paul.'

Bentham's life falls naturally into two divisions corresponding to the two centuries which he sat astride. In the first part he was primarily concerned with combating current notions whilst formulating his own philosophy based on the principle of utility. During this time he was more interested in events abroad than in English politics with the exception of English law for whose codification and reform he entertained a consuming passion throughout his life. His popularity was great abroad during this period. He seemed instinctively to feel that his own country was not yet ripe for the ideas he conceived. England was politically behind revolutionary Europe in the eighteenth century. All eyes were fixed on the French experiments. During this first period culminating about 1808 Bentham was dissociated from the movement for political reform which was already

agitating a section of Englishmen. Two circumstances occurred then to break down Bentham's aloofness from English politics. His efforts to obtain judicial reforms met with continual opposition; his own experiments to found a model prison had resulted in failure and financial ruin for himself; but the greatest blow was the refusal of men like Pitt to have anything to do with his schemes. This bit deep into his consciousness and turned him against oligarchical and monarchical forms of government. At this critical moment he became acquainted with James Mill whose intense interest in the movement for political reform inspired Bentham with a like enthusiasm. By 1819 Bentham was fully occupied in justifying the position of the radical reformers on the basis of his philosophy of utility. The principle of utility developed in the eighteenth century became the corner-stone of political reform in the nineteenth century. The core of this theory was individualistic and primarily concerned with a reconciliation between the claims of the individual and those of the community regarded as a collection of individuals. Bentham obtained his solution by a rigid application of scientific methods and assumptions to the sphere of morals and politics. He set himself in the first part of his life to carry out the task attempted by Hume which was 'an attempt to introduce the Experimental Method of Reasoning into Moral Subjects'. As M. Halévy remarks: 'What is known as Utilitarianism, or Philosophic Radicalism, can be defined as nothing but an attempt to apply the principles of Newton to the affairs of politics and morals.' This task Bentham set himself. He attempted to translate the spirit of the eighteenth century into the political terminology of the nineteenth.

Bentham, like Burke, was in conscious revolt from the doctrine of natural rights popularized by the American and French revolutionaries. He objected to their vagueness and their abstract nature. His passion for science made him sceptical of anything approaching what he described as 'sentimentalism' or reliance on emotions rather than reason. He believed firmly in the power of reason and made it the guardian and director of morals. He did not agree with Hume's sceptical view of reason; nor Rousseau's reliance on mysticism. Everything in social phenomena must be calculated and tabulated and reduced to measurable proportions even as he was able to measure precisely the results of his amateur experiments in botany and

chemistry. Nevertheless he was not able to dissociate himself from his environment; he was as much concerned throughout his life with the rights of man as any of his contemporaries whose vagueness he so heartily despised. He concentrated all his attention on one of the fundamental rights enunciated in the American Declaration of Independence, 'the right to the pursuit of happiness'. He endeavoured to discover the laws which governed human action in this impelling urge towards happiness. He was determined to reduce these laws to the precision of a mathematical formula. He was endeavouring to prove to the contrary Burke's assertion that a science of politics did not and could not exist.

Bentham expounded his theory of utility, his basic philosophical premise, in a work published in 1789 under the title of *An Introduction to the Principles of Morals and Legislation.* Its popularity was greater abroad than in England. It was widely read in France, Russia, Portugal and Spain. Despite the growing interest amongst the intellectuals in the principle of utility in England where Adam Smith in his *Wealth of Nations* had applied it to economics and Hume had introduced it into philosophic circles, there was no demand in the body politic in eighteenth-century England for the recognition of the greatest happiness of the greatest number. There was certainly very little sympathetic feeling towards Bentham's ideal of a reformed judicial system. His moment of popularity in England was yet to come. He had to wait for the stirring of the people caused by the discontent due to economic distress and the awakening of the public conscience by such men as Wilberforce and Dickens before the right for a semblance of justice to all was so much as recognized. England in 1789 had little use for a visionary reformer of the law, the law courts and the prisons. The demand for legal reform was not yet articulated. But the importance of this work at the time lay rather in the fact that Bentham worked out in it his basic ideas on the principle of utility.

Bentham found the activating force in man in his sensitiveness to pain and pleasure. About this exquisite sensibility orientated all morality. 'Nature has placed man under the governance of two sovereign masters, *pain and pleasure.* It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the other the chain

of causes and effects, are fastened to their throne. They govern us in all we say, in all we think: every effort we make to throw off our subjection will serve but to demonstrate and confirm it.' The principle which governed human action was its avoidance of pain and pursuit of happiness. But it was not merely a principle. Bentham stepped into the same confusion as Hobbes and endowed what he had first regarded as a natural almost physical reaction in man with the force of a moral law binding man in his every deed. In this confusion between the discovery of a principle and the assertion of the basis of obligation, whether moral or political, Bentham was able to formulate his system of morals which he himself regarded as undeniably binding, but which rested on a confused assumption that the principle of pain and pleasure could 'alone point out what we ought to do' and could moreover 'determine what we shall do'. The pleasure-pain principle not only showed the way; it forced men to make certain pre-valued choices. Pleasure or happiness became the object of all human endeavour and was the only absolute good; pain must be avoided as it was the epitome of evil. Bentham never explained how a scientific law suddenly changed from a description of what actually took place, to having the power to dictate to men what they ought to do. Like Hobbes he was confusing natural or scientific laws or principles with the law of nature where nature was synonymous with God. Bentham's 'dominating idea is just this,' says M. Halévy, 'that he has discovered in the principle of utility a practical commandment as well as a scientific law, a proposition which teaches us at one and the same time what is and what ought to be'. Morality, that is the pursuit of happiness and the avoidance of pain, was of a commanding nature controlling every human action by means of the individual's reason and the machinery of positive law. Bentham developed this theme.

As pain and pleasure were felt by the individual, then surely his unique sensibility alone was the measure of value? Bentham avoided this anarchic interpretation of his first proposition. He argued that the nature of pleasure was essentially measurable and reducible to arithmetical terms; that the principle of utility made of morality and law a unified objective science and not one relying on subjective valuations; that the interests of the individual were artificially identi-

fied with those of the community. He proceeded to elaborate these three propositions.

Bentham first attempted to reduce all pleasures to measurable proportions whereby they might be easily compared to each other; he formulated a scale of values attached to the various kinds of pleasure. He was firmly convinced with his predecessor, Helvetius, that the principles of morals were 'as certain as the principles of geometry'. He dubbed his table a moral arithmetic and searched for a calculus of pleasure and pain. He was looking for a price list of pleasures. Pleasures and pains could be measured by the presence in them of seven factors, intensity, duration, certainty, propinquity, fecundity, purity and finally extensiveness, that is the number of people affected. The value of a pleasure was obtained by the multiplication or addition of these factors one with another. The task of moralist and legislator alike (between whom there was little difference in Bentham's mind) was to compare one 'quantity' of pleasure to another to obtain its value and to enable the construction of the moral code. But until the heterogeneous mass of existing pleasures was reduced to a homogeneous unit, it would be impossible to undertake comparison. The first task of the legislator then was to classify pleasures. Bentham gave a list of fourteen simple pleasures and twelve simple pains. These he regarded as the foundation of all other pleasures and pains which were merely compounds of the original group. These he further classified into *self-regarding* and *other-regarding* groups. Only two, benevolence and malevolence, were to be found in the other-regarding section. The nature of pleasure appeared to confirm the current belief in egoism from which Bentham was trying to escape. If most of the pleasures were self-regarding, the moralist and legislator were again thrown back into the hands of the individual's estimation of value. The moralist could neither classify nor compare nor compose his calculus of value under such conditions. Bentham turned away from seeking his common denominator of value amidst the causes of pleasure to seeking it in the effects it produced. This was a less subjective evaluation. He found the solution to his difficulty in the principle of utility. He was able thereby to justify later the claim that the masses were the most important object of attention for the state.

One of the seven factors giving value to a pleasure was its extensiveness or the number of people it affected. The greater the number of people participating in a pleasure or pain, the greater or less its value. Bentham had arrived at the conclusion which had already impressed itself on the minds of many of his contemporaries, the principle of the 'greatest happiness of the greatest number' enunciated by the Scotchman Hume, the Italian Beccaria, and the Englishman Hutcheson. The principle of utility formed the criterion of every action. Bentham defined it thus: 'By the principle of utility is meant that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question . . . I say of every action whatsoever; and therefore not only of every action of a private individual, but of every measure of government.' The great advantage of this principle was that it furnished an objective standard of value, the very tangible unit of the number of persons affected. Bentham ignored the more subtle problem of the quality of the effect provoked and the varying degree of response it might meet with in different temperaments. Morals and law in this system were identified in method and aim. Morals, he declared, was 'the art of directing men's actions to the production of the greatest possible quantity of happiness, on the part of those whose interest is in view'. The 'interest in view' determined the sphere of control and the nature of the directive authority concerned. M. Halévy vividly states Bentham's propositions: 'Either the man whose actions I intend to direct is myself, in which case morals is the *art of governing myself* or *private* morals: or else the men whose actions I intend to direct are men other than myself. In this case, if they are not adults, the art of governing them is called *education*, which is either *private* or *public*: if they are adults, the art of directing their actions so as to produce the greatest happiness of the greatest number appertains to legislation, if the acts of the government are of a permanent kind, or to *administration*, if they are of a temporary kind, dictated by circumstances.' Morals and legislation were confused together and both given a commanding character; both directed and controlled men's actions in order to establish 'that system, the object of which is to rear the fabric of felicity by the hands of reason and of law'.

As law and morals were merely different degrees of the same thing, Bentham's natural interest in law made him concentrate on this subject as his primary concern. What was the legislator's function in society; how was he to extend the totality of happiness in the community? How were the rulers of the eighteenth century to lessen the miseries of the masses at last becoming articulate in Europe? How were the flagrant injustices of the legal system to be remedied for the promotion of the greatest happiness of the greatest number? The business of government, he stated, was to promote the happiness of society, by punishing and rewarding men. The magistrate was in a sense the teacher and controller of men to the end of their lives. The function of the legislator was so to utilize the instrument of punishing and rewarding that he would extend pleasure to its utmost limits and reduce pain to a minimum. To do this scientifically he must first catalogue the pains and pleasures into their varying degrees of value and arrange legal penalties in such a way as to deter men from crimes which were merely the pursuit of their individual happiness to the detriment of the happiness of the majority. The medieval conception of the magistrate administering the law of God by a system of rewards and punishments according to a divine scale of good and evil reappeared in Bentham's philosophy in the guise of the legislator determining good and evil according to the criterion of human happiness now accurately ascertainable by scientific methods. In both cases the governing authority had to have a large measure of control, and was essentially autocratic. But whereas to the medievalist the individual received his instructions through the responses of his conscience, to Bentham the individual was responsive to control through four different channels reducible in the last resort to one. Bentham declared that men were sensitive to pleasure-pain reactions, the ultimate determinate of obligation, in four ways, politically, morally, religiously and physically. Each pleasure rushed from its source with a certain amount of force attached to it compelling obedience from the individual. This compulsion Bentham called a 'sanction'. Moral and political obligation rested on this sense of compulsion which invaded the individual from these four avenues of sensibility. He was bound to follow pleasure and eschew pain by the very laws of his being. In the last resort all sensibility and hence awareness of obligation was

reduced to the single plane of physical reactions. The primary task of the legislator was to reduce every impression to terms of physical disability or delight. The law with its system of rewards and punishments naturally held first place in this system.

Bentham in his first treatise was essentially the law-reformer advocating changes in a system of society obviously autocratic in nature. The *Principles of Morals and Legislation* was intended as a foundation for widespread legal reforms. Much of the book was taken up with the detailed application of the principle of utility to the English legal system. Bentham had achieved a criterion of judgment and a general principle from which to criticize the legal system of his day. He was then not much concerned with the difficulty of establishing a sympathetic relationship between the citizen and the legislator to ensure that the arbitrary acts of the legislator did indeed extend the separate happiness of the citizens. Bentham undertook this task when he became involved with the radical reformers after 1808. The repeated failures of his attempts to achieve recognition of his legal reforms from those in authority disgusted him with the autocratic rule of a select minority. Personal disillusionment and his friendship with James Mill alike conduced to an application of the principle of utility to the sphere of politics proper. Bentham began to work out his theory of the state in the terms of the greatest happiness of the greatest number at the beginning of the nineteenth century at the very moment when the miseries of the masses were evoking increasing interest.

How was Bentham assured that the happiness of the masses was the primary concern of the legislator, or that the legislator was a fit instrument to perform the gigantic task of achieving the greatest happiness of the greatest number of citizens? How was he to be assured that the self-interest of the rulers would not deter them from promoting the happiness of the many? How was he, in terms of political theory, to ensure a proper relation between the governor and the governed, between the legislature, the executive and the rights of the citizen including above all the fundamental right to happiness? How was he proposing to change the oligarchy of the eighteenth century into the partial democracy of the nineteenth, which was the first step before his cherished schemes for legal and social reform

could be accepted by a government sympathetic to the masses? In the *Introduction to the Principles, etc.*, Bentham suggested that the legislator could, through a careful application of punishments and rewards, induce the individual citizens to certain actions which were in the legislator's opinion conducive to the general happiness, and were believed by the citizen to be for his own happiness. The object of the *Constitutional Code* (1822-30) and the *Plan of Parliamentary Reform* (1817), was to show that whilst the functions of government remained as extensive yet the citizen took a greater part in the making of the laws designed to restrain his own happiness in one direction in order to promote it in another. In these works Bentham rejected aristocracy and substituted representative democracy as the best form of government. The change of view typified the change in attitude which had taken place in England between 1789 and 1817.

Bentham offered as his solution to the discrepancy between the antagonistic desires of ruler and ruled his theory of the artificial identification of interests. Each man was essentially egoistic and sought primarily for his own happiness. The egoistic pleasures of each individual were bound to clash and mutually destroy each other. How was the legislator to effect an identification of interests according to the principle of utility to prevent this apparent consequence? Bentham reached the core of his problem. He argued that as the value of a pleasure increased with its extension, then the more people who were happy the greater the value of the happiness of the individual. Moreover, the individual was sensitive to the sanction of public opinion. If the general tone was happy then the individual would bask in the sunshine of approval. The task of government was thus confined to the promotion of the happiness of the majority and not of the whole body of the community. Bentham never answered any criticism about the rights of minorities. He was always concerned with majority rule. He accepted as axiomatic Locke's principle of the inherent value of the majority's judgment. How then was a fitting interaction between the majority and their rulers to be achieved so that the rulers would indeed be promoting the happiness of the greatest number and not seeking their own selfish interests? How were the interests of ruler and ruled to be identified so that they promoted each other to their mutual advantage and increase of the

general happiness? Bentham as leader of the radical party for reform suggested far-reaching changes in the existing constitution to meet this difficulty. First, in order that the true weight of the majority might be ascertained, universal suffrage must be instituted. Then every adult citizen (no general objection was taken even to women as they too possessed capacity for pain and pleasure) could record his vote and thereby contribute his modicum of opinion to the general sum. So far Bentham was following closely in the footsteps of Locke. But his second point took him much further and identified his political theories with the conditions of the nineteenth century when a semi-articulate populace had become the vital factor in political life, a factor unknown to Locke in the seventeenth century. Secondly, the body thus constituted must be elected every year in order to keep the governors in constant touch with the governed and to prevent the abuse of the power of governing which a minority of rulers must always possess. Bentham and his party were strongly in favour of annual elections of Parliament. Parliament when elected should be regarded as a delegate not a representative body. Bentham was afraid that a representative member could easily cast off the control of the electors from whom he originally received his authority, and on the plea of freedom to represent their interests, in fact pursue his own pleasure to their detriment. In the closer relationship of a delegate system, Bentham hoped to avoid this first check on the direct control of the reins of government by the sovereign people. As Parliament was a body of delegates of the people, Bentham had no use in his vision of a reformed community for the excrescences of king, House of Lords or established church. His personal disagreement with George III and the governing aristocracy fitted in with his philosophical bias and made him bitterly attack a form of government which suggested the rule by a privileged minority either of king or peers. His ideal form of government was republican, consisting of one house of delegates under the annual supervision of the electorate.

The business of Parliament was extensive. It must pass the necessary laws for the achievement of the greatest happiness of the greatest number. Nor was Bentham ready to accept the belief in the separation of the legislature and the executive. On the contrary, as the people must remain sovereign, the connection between their

elected delegates and the executive must be very close and direct. Parliament must have complete control over the whole executive. As the business of government must necessarily increase as it undertook the promotion of the happiness of an increasing number of the citizens, so the administrative machinery must increase. Bentham with prophetic insight envisaged the growth of an extensive civil service. Yet as the business of the state increased, popular sovereignty must retain its hold tighter, lest the new governors, the permanent bureaucracy, should be tempted to pursue their interest and neglect those of the majority. Again Bentham prescribed in a series of detailed rules methods whereby this danger to the state might be obviated. Chief amongst these was his advocacy of the power of the electors to dismiss any functionary of government by a direct petition to Parliament. The appointment to the very important office of Minister of Justice, controlling what in Bentham's eyes appeared to be one of the key positions of government, was made direct by the electorate, not, as with the other offices, through the medium of the elected delegate members of parliament. The numerical majority whose happiness was the object of the state, whose happiness would (because happiness was psychologically infectious) react to the benefit of the whole community, this majority must control and direct its rulers in every governmental activity. The sovereignty of the people (or rather of the majority) was justified in terms of the nature of man.

But the sovereignty of the majority was not really absolute. The weakness of the majority lay in the exquisite sensitiveness of the individual. Man sought happiness and could only achieve it through an increasing awareness of his environment. Any change in that environment immediately reacted upon him. Through religious sentiment, through political fervour, through the moral code of taboos, through the subtle criticism of public opinion, through the sharp pain of physical punishment inflicted by law, the individual was tossed hither and thither instinctively attempting to seek happiness and eschew pain. Man as Montesquieu and Burke had recently asserted was but the product of his environment. But Bentham did not leave the environment as a mysterious and omnipotent force determining the course of human action. He was not content to see in it like Burke the process of ages, or like Montesquieu the result of climate, or like

Rousseau, the emotional pressure of ecstatic nationalism. Rather he strove to analyse it and discover it in terms of a commensurable science. In so doing he revealed that behind the sovereignty of the majority lay the controllers of this all-powerful environment. He who tabulated the moral code, he who regulated the scale of criminal penalties, he who filled the people with fear or delight through the organ of the press, he it was who eventually dominated the majority. Bentham's theory of democratic republicanism vacillated between two extremes. Sometimes in the spirit of the eighteenth century he saw the benevolent legislator regulating the scale of penalties judiciously, wisely and altruistically for the greatest happiness of the greatest number. The dictator dominated the mob. Sometimes in the spirit of the nineteenth century he saw the multitude with all the force of its numbers determining to make felt the weight of its numerical superiority by controlling the machinery of government and by leaving free for the expression of its opinion the vital organs of press and church. The mob dominated their rulers. Bentham's hatred of sentimentalism induced him to flee from the conclusions that this mob was activated by the unknown quantity of passion. Always he believed that the instincts of the herd could be reduced to a table of values, always eventually they could be ascertained exactly in terms of the measurable factor of happiness. So he fought with no uncertain weapons to assure that the greatest happiness of the greatest number should prevail, that the majority should rule with reason and equanimity. Bentham in the spirit of the eighteenth century strove to bring about reforms made necessary by the peculiar conditions of nineteenth-century England.

The growth of rationalism in the eighteenth century discredited theology to such an extent that politics no longer relied upon divine sanctions. Even Burke placed the influence of divine agency in laying the foundations of political obligation so far in the background that his theory of the state was intact without any divine plan. Stripped of God-given laws and institutions, cut off from mystical communications of reassurance to the governors, the state must seek and find new foundations for itself. Two solutions were offered in the eighteenth century. Either the state was the result of environmental conditions as advocated by Montesquieu and Burke, in which tradition played

the important role of authority, and the state was regarded as a natural living organism. Or the state was a conventional product of human activities, and its authority was strictly limited by the individual rights of its creators. When public opinion and discontent worked up towards a greater, more radical change than the living organism, bound by its traditional modes of action, was capable of making in the face of a sudden emergency, then the former concept gave place to the latter. But the rights of man stripped of the theological justification given them by Locke were no sure foundations for the timid. The American revolutionaries firmly believed that the rights of man were divinely instituted. Individualism was in theory circumscribed by divine law. Ultimately such a theory did not admit of philosophic anarchy. Behind the apparently conflicting rights of individuals lay the harmonizing design of God co-ordinating the separate rights to his larger purpose. Both Hobbes and Locke had firmly believed in their different ways in the sustaining purposeful law of God giving reason to the acts and instincts of man. Rationalistic Europe in rejecting this theological support in the eighteenth century was faced with the logical conclusion of its advocacy of a detached set of inalienable rights; such individualism led inevitably to a concept of complete anarchy. Faced with this conclusion the advocates of human supremacy divided in the eighteenth century into two groups. The first, like Rousseau, only retained the individual long enough to create the state; then the newly-created nation, awakened to a passionate belief in itself, became the supreme authority. They had no faith in human nature and sought like the religious for an authority outside the individual. The individual was sunk in the dream of national supremacy. The second group like the English rationalists led by Bentham had a greater faith in human nature; they sought to build the life of the community on human nature as it was, unregenerated by any sudden conversion to the religion of patriotism. They relied on reason and scientific calculations to direct the groping individual towards his goal. The philosophic foundations of this group were laid in the eighteenth century. The political conclusions were not drawn therefrom until the nineteenth century. So the intellectual activities and political events of the eighteenth century produced these two groups of idealists and realists, the one looking to

the community, the other to the individual for ultimate support in the chaos of unrelated rights. Rousseau and his disciples propounded a belief in popular sovereignty expressed in an exalted nationalism. Radical English thinkers elaborated their admitted belief in rank individualism, and under the guidance of Bentham enunciated at the beginning of the nineteenth century a theory of democracy based on self-interest. Rousseau launched the enthusiasm for popular, as opposed to governmental, nationalism, in which a moral patriotism bound the individual to complete obedience to the authority of the community. Bentham calculated the forces of popular democracy, in which the common factor was the unit of happiness, the touchstone and the determinate of all moral and political behaviour.

CHAPTER XI

THE INDIVIDUAL *versus* THE COMMUNITY

First Phase: The Illusion of Liberty

THE conflicting streams of thought which the nineteenth century presents to an observer at such close quarters as the present day seem nevertheless to converge on one central theme, itself the inheritance of the immediate past but given content and direction by developments peculiar to the nineteenth century. This centralizing theme was the problem of the relation of the individual to the community. Several factors in the nineteenth century united to produce a vital and intense interest in this particular aspect of political thought. Some of these factors were widespread, affecting the intellectual background of the whole continent including Great Britain. Such were the scientific discoveries and the profound changes in philosophic terminology usually associated with the names of Darwin and Hegel respectively. Others were the products of particular environments, which starting in certain parts of Europe spread outward and gradually affected the rest. Such were the economic changes produced by the industrial revolution, whose home was England, but by the end of the century it had penetrated to all Europe, stimulating particular reactions and problems in practical and theoretical politics wherever it went. So too the force of popular nationalism developed on the continent in a form new to England, and only gradually repercussed on English politics at the very end of the century, not in the form of popular nationalism but in the more subtle guise of the worship of the power of the community. So too England developed on her own the theme of popular democracy which only gradually disturbed the equilibrium of the European states and seemed for the greater part of the century to be irrelevant to European politics. This criss-crossing of influences inevitably produces a confused view of the development of political thought in the period further enhanced by the near perspective in which we are compelled to see it. If any clarity

of treatment is to be achieved then the subject must be separated into easily manipulated divisions created by its main tendencies. These divisions are by no means absolute, but are adopted merely as a method for examining the general development of the political thought of the period centring significantly about this theme of the interaction of the individual and the community. The theme thus treated seems to fall into two fairly easily handled groups apparent at the beginning of the century and happily localized in particular parts of Europe. English thinkers were more preoccupied with the nature of the individual; continental thinkers with the nature of the community. These two developments began fairly separately but they rapidly interacted as each group became more vitally impressed by the general economic and intellectual development which overshadowed them both. Towards the end of the century the distinction created by the differences in the countries was wiped out by the similarity of their economic and intellectual conditions and European thought became a veritable whole. In treatment then the simplest approach seems to be to indicate the general changes affecting everyone, then to proceed to the particular aspects of this single problem, examining it for convenience' sake in the countries of its origin; the growth of individualism connected with the cry for liberty and democracy as it developed in England; the postulation of a rigid social control as it developed on the continent more particularly in Germany, as a strange blend of nationalism, Hegelian philosophy and Marxian economics.

The revolution in philosophy, which had gradually been developing in the eighteenth century as a result of the growth of science, suddenly took dramatic shape at the beginning of the nineteenth century. Hegel's name is usually associated with this reorientation of philosophy around a new concept of the universe. In his dialectic method he formulated in his new logic the new philosophy of life. The old ways of reasoning were fitted to a static conception of the universe. Whilst it was held that the world was created at a given moment or had existed from eternity, it followed that its nature remained unchanged according to the pattern laid down by its creator or the principles by which it was governed throughout. The nature of the universe was thus immutable and static. The object of philosophy was to discover

the nature of this unchanging reality and philosophers employed in their searchings a method of reasoning or logic whose sole aim was the identification of reality. Philosophy strove to use logic as the perfect method of identifying the elusive and continually disguising reality. The development of science at first gradually and then precipitately undermined this static concept of the universe and rendered the method of identification (so prominent in Bentham's philosophy) useless. The investigations of the scientist demonstrated ever more conclusively that the universe was in a perpetual state of flux, that the changes wrought in the structure of the universe were not, as Bacon suggested in the seventeenth century, always changes towards decay, but that the change was one of quality proceeding to new forms of life rather than to a general dissolution in death. If then the quality of the universe was perpetually altering, a logic of identification of its original nature was unreal and useless in the attempt to understand its present nature. So in the eighteenth century scientific discoveries rapidly outstripped the machinery of thought. The gap between philosophy and science widened, perilously divorcing philosophy from reality and so making it an unreal and dead exercise comparable to the useless mental gymnastics of the fourteenth-century scholastics.

Hegel bridged the gap with his dialectic method. He revitalized philosophy by linking it up with science. He produced in his dialectics a method by which the mind could comprehend this process of change, this evolution of the universe hitherto incomprehensible to the professional schools of philosophy. Hegel in and through his dialectic propounded the belief that reality could only be apprehended by a method of contrasting one thing with its opposite. Thus goodness was only understood when it was contrasted with badness, heat with cold, want with satiety. Nothing was understood by man until he saw it standing out before the background of its contradiction. The mind then only worked in an elaborate system of contradictions, only proceeded to further understanding by perpetually contrasting one thing with another. Hegel called the first assertion made by the mind the thesis, its contradiction the antithesis. 'The state of negation', said he . . . 'is the very heart-beat of progress and life.' He argued further that once the thesis and antithesis were perceived by

the mind the apprehension of these two aspects of reality produced a new concept by their juxtaposition. This composition or reconciliation of the two opposites into a third and new idea was called the synthesis. All life proceeded by this method, assertion, negation, reconciliation, producing in its turn a new assertion from which a new cycle started. By this process, true of the workings of the mind, the universe and the various forms of life in it had evolved. Thus in the simple example of the evolution of the life-germ in an egg the whole dialectic process could be seen. The egg contained a germ (thesis) which when fertilized gradually consumed (negatived) the contents of the egg. This act of destruction resulted not in death but in the production of a new form of life completely different in nature from its origin the germ or its environment the contents. A chick (the synthesis of the two forces) emerged from the shell. Hegel strove to demonstrate that the laws of thought were similar to the laws of the universe. As matter evolved so mind evolved. Indeed mind and matter were identical. But Hegel was not pledged thereby to a materialistic view of the universe. Far otherwise. Though identifying mind and matter he believed that mind or Idea (God as the religious would have called it) was the ultimate reality. He explained that this reality was 'an Idea containing within itself all forms of being, which it develops dialectically. The idea creates for itself a material embodiment; it first expresses itself in the objects of inorganic nature; then in plants, organisms wherein life awakens; then in animals, in which the Idea attains to the twilight of reason; finally, in man, where reason rises into mind and achieves self-consciousness and freedom. As self-conscious mind it expresses itself in the history of peoples, in religion, art and philosophy, in human institutions, in the family and in law, until it realizes itself in the state as its latest and highest object.' Thus Hegel saw clearly in the process of evolution the explanation only vaguely suggested by some of the political thinkers of the eighteenth century, when like Burke they propounded a belief in the power of gradual but ceaseless change always proceeding upwards to a higher and fuller life.

Darwin's *Origin of Species* (1859) written in the middle of the nineteenth century only demonstrated dramatically in a particular branch of science what was already an accepted assumption amongst intel-

lectuals. All animal species, amongst others the human, had developed throughout the ages by a process of struggle (or contradiction) from which only the strongest or fittest survived. By analogy with the Hegelian philosophy this survival of the fittest represented the survival of the best. The criterion of value, the norm by which one measured the value of anything, was its ability to survive, or its success. Such success was conclusive proof that the successful was the higher or better type, was the fuller expression of the Life-force, evolving towards self-consciousness. The scientific principle of evolution became in the nineteenth century the basis of an ethical code, a new measure of value for moral conduct. Hegel's and later Darwin's more popular works combined to produce a new criterion of value by which to judge men's actions. A revolution in philosophy and ethics had occurred tied to the apron strings of science.

The doctrine of evolution formulated by Hegel and illustrated dramatically by Darwin formed the most important element in the intellectual background of the nineteenth century. It created an irreparable break with past ideas of the universe. It produced an immediate and virile conflict between the believers in the static concept or the religious on the one hand and the advocates of the new dynamic concept of the universe on the other. The nineteenth century was the scene of a perpetual and bitter controversy between scientists and religionists. Then too the belief that the universe was in the process of becoming, that 'the best was yet to be', as Browning sung, made the investigations of the scientists in their endeavours to discover the laws of evolution an exciting process of constant revelation. The scientists became the prophets of the new gospel. They challenged dangerously the authority of the church with its priesthood upholding belief in a created static universe.

The controversy over the evolutionary philosophy which broke out in England in the middle of the century was symptomatic of the general unrest in that country. Nowhere could be seen more blatantly the struggle between the individual striving towards self-consciousness and the community slowly awakening in its turn to the need to assert its powers in opposition to those of the over-reaching individual. Two developments peculiarly English made England the scene of the first important clash between the individual and the community suggested

by Hegel as a contradiction yet unresolved in the evolutionary process. After the first headlong spate of individual enterprise in industry which marked the beginning of the century, the industrial organization tended towards large scale corporate activity. Trusts and companies took the place of the single management of the founder of the firm. Capital was organized in joint-stock companies and depended on the innumerable shares of a large body of subscribers rather than on the fortune of a single man. Labour found itself powerless to bargain with the organized reserves of capital unless it too combined its forces into strong organizations. The strident chorus of the trade unions was more likely to be heard than the single voice of a unit of labour whose only bargaining power was the offer of withdrawal of his daily work. So the importance of individual effort was minimized in the eyes of a society which for economic reasons was rapidly acting in collective groups.

The same problem appeared within the political machinery of English government. The reforming activities of Bentham and the later Utilitarians succeeded in establishing governmental control over an increasing number of the activities of the citizen. The liberty of the child to earn its own living and of the parent to put it to work so to do had been contravened by the acts regulating child labour. The factory acts further impinged upon the liberty of the worker to control the extent and conditions of his daily life. The activities of Chadwick in clearing up the insanitary conditions of the country threatened the liberty of every citizen over his personal cleanliness. In every department of life the reforms following the Parliamentary Reform Act of 1832 showed the government undertaking further and further responsibilities in its attempt to remove pain and induce pleasure in order to accomplish the greatest happiness of the greatest number. Governmental machinery increased with the extension of governmental activities. The permanent civil service came into being. A departmental bureaucracy was gradually becoming as important a feature in the English constitution as Parliament itself. Yet whilst bureaucratic activities threatened the pre-eminence of Parliament, the movement to extend the franchise persisted and with it the movement to increase by education the capacity of each citizen to join in the responsibility of government. The revival of local government in

England was another attempt to force the local patriotism of individuals to play its part in the government of the country. So on one side the growth of the central government of the country and the increase of social legislation emphasized the importance of communal action over the welfare of the masses; and on the other side the extension of the franchise, of education and the revival of local government emphasized the importance of individual effort.

England by this convergence of a peculiar group of circumstances became the scene of speculation on the nature and extent of individual liberty in the middle of the nineteenth century. It was the old theme which had dominated thought in the seventeenth century. But the nineteenth-century version was very different owing to the difference in the intellectual background and the political structure. In the seventeenth century the individual strove for emancipation from the overwhelming demands of an omnipotent divine state or church striving through rigid and autocratic methods to obtain mastery over his spiritual and secular activities, over his temporal and eternal welfare. In the nineteenth century the individual was faced with the far more insidious claims of an omnipotent but human society which sought by the force of public opinion and the justification of scientific demonstrable law to establish an obliterating supremacy over its component parts. The doctrine of evolution expounded by Hegel and accepted in intellectual and scientific circles several years before Darwin enunciated his particular version of it, postulated a theory in which every species including the human was developing in close interaction with its fellow members. The development of the individual was as much the result of his own power to struggle as the result of the strength of his competitors in the struggle for existence. Evolution moreover depicted human development on a stage whose limits receded far beyond the historic field of exploration. The development of the species occurred prior to social activities. Were social institutions but a product of the general development? How far could it be said that social institutions were controlled or uncontrolled by man? Were they perhaps a growth obeying the laws of growth immutable to human agency? If so, could individual effort perform any effective part in society? The intellectual postulates of science, the rise of the masses, the attempt to make their desires articulate and to govern on

behalf of the happiness of the majority taken as an indivisible whole, threatened the individual with a new master whose omnipotence would be far more comprehensive and compelling than the loosely organized omnipotence of the seventeenth-century state even though the latter was held to be divinely instituted. So England, which had been the first country to industrialize on a large scale and was in the process of experimenting with popular democracy under the new conditions of an awakening multitude, was the first country in Europe to realize the danger to individualism inherent in the new order of society.

English political thinkers steeped in the utilitarian philosophy of the importance of each unit in the sum total of the general happiness anxiously began to re-examine the foundations of their system which seemed threatened alike by new forces and the consequences of their own acts. The danger always latent in Bentham's philosophy menaced the whole structure of Utilitarianism. Bentham tended to exalt the powers of the legislator far too high for the safety of the individual. Bentham was principally concerned with law and incidentally became interested in politics. His bias always remained. He depicted the state as dominated by its legislator, who was its moral overseer and director. The legislative body was supreme; its acts representing the sum total of the majority's desires could interfere in every sphere of life. After 1832 this was being practically demonstrated at an alarming rate. The suggestion of rigid control by the majority implicit in Bentham's theory was passing from theory into practice. The intrinsic egoism of the utilitarian philosophy was seriously threatened. The pursuit of one's own happiness as the criterion of value and the motive of all moral and political obligation was being strictly curtailed by an increasing number of acts passed in the interests of the majority. Liberty of action and thought, the corollary of egoism and a necessity for development into self-consciousness, was at stake. John Stuart Mill, as a convinced believer in the egoistic attitude to life, was urgent in its defence.

Personal inclination as well as the exigencies of the political situation drove J. S. Mill to take up the defence of liberty, and to reconstruct the utilitarian philosophy of the state on a new basis. Trained from earliest childhood by his father, James Mill, and

Bentham himself, John Stuart early showed symptoms of revolt from the rigid control exercised by his dictatorial monitors. After a nervous collapse resulting from the strenuous nature of his education, J. S. Mill emerged into manhood with a passionate devotion to the cause of liberty in every form. His sub-conscious revolt from the preceptors of his childhood led him to reject Bentham's belief in the 'average man', a concept fundamental to Bentham's theory of quantitative happiness, and obnoxious to the young critic as the rigid pattern to which the old moralist had tried to restrict the child's more varied nature. Thus activated Mill strove to show that the quantitative theory of happiness was unreal; that variety not equality was the clue to happiness; that liberty was by the very nature of man the final goal of the state.

J. S. Mill never consciously repudiated the views of his revered teachers, his father and Bentham. His divergence from the old school of utilitarianism never seemed to him fundamental. He began by asserting in his famous essay, *On Liberty*, his own belief in liberty and in demonstrating that the nature of happiness was qualitative not quantitative. He passed from this new concept of human nature and ethical values to elaborate their application to the sphere of practical politics in his essays on *Representative Government* and the *Subjection of Women*. Then he sought to reconcile his new view of society arising from his very different premises, to his adherence to orthodox utilitarianism. His essay on *Utilitarianism* was essentially superficial as he attempted to smooth over the differences which divided him from his teachers. Nevertheless the differences were too fundamental to be hidden, and the essay on *Utilitarianism* amounts to a sharp criticism of the orthodox standpoint.

Mill's fear for the liberty of the individual was born of the exigencies of the moment striking a sympathetic chord in his own life. He envisaged the problem as a part of the general trend of civilization, as an intrinsic and inevitable element in the relations of the individual to society. In his eloquent and most searching essay, *On Liberty*, he stated his fear of the extinction of that delicate and aspiring flame, the individual personality, by the harsh winds of the general mediocrity of public opinion. He insisted that the individual alone must be the final and only judge of his actions. For this purpose, liberty was

as essential as equality had been to Bentham's system of quantitative morality. With the attainment of liberty, equality faded away.

Though not formally expressed until 1863 in his essay on *Utilitarianism*, the underlying premise in the essay *On Liberty* was Mill's concept of the diverse nature of happiness. He rejected Bentham's concept of quantitative pleasure. He stated in the essay on *Utilitarianism* that pleasure could not be regarded merely quantitatively. Were this so then there could be no distinction between the pleasures enjoyed by human beings and swine. But 'human beings have faculties more elevated than the animal appetites', and 'it is quite compatible with the principle of utility to recognize the fact, that some *kinds* of pleasure are more desirable and more valuable than others. It would be absurd,' he concluded, 'that while in estimating all other things, quality is considered as well as quantity, the estimation of pleasures should be supposed to depend on quantity alone'. Bentham's theory of ethics was useless once pleasures were graded, because Bentham had asserted that man was of necessity bound to pursue pleasure and avoid pain. Once he was obeying this natural impulse towards happiness he was pursuing the ultimate good. If, as Mill asserted, the ultimate good could be divided into pleasure and happiness and subsequently graded within these two categories, how was man to decide between the multiplicity of goods presented to him; by what criterion must he measure their quality; what was to form the new standard of morality and why was it binding on man? Mill rejected the fundamental premise of his master; he was in search of a new ethical code.

Though in the essay on *Utilitarianism* Mill declared that when such a choice arose between two or more pleasures 'the judgment of those who are qualified by knowledge of both, or if they differ, that of the majority amongst them, must be admitted as final', yet in the essays *On Liberty* and on *Representative Government* it was clear that Mill rejected a belief in the judgment of the masses over moral or political issues. He relied rather on the judgment of the individual or on 'those who are qualified by knowledge'. In either case he showed that liberty was indispensable to the making of such judgments. Liberty was essential to morality. The essay *On Liberty* was an elaborate discussion on this theme and its relation to politics.

The opening passages of the essay set the stage for a profound discussion. 'The subject of this Essay is . . . Civil or Social Liberty: the nature and limits of the power which can be legitimately exercised by society over the individual. A question seldom stated, and hardly ever discussed, in general terms, but which profoundly influences the practical controversies of the age by its latent presence, and is likely to make itself recognized as the vital question of the future. It is so far from being new, that in a certain sense, it has divided mankind, almost from the remotest ages; but in the stage of progress into which the more civilized portions of the species have now entered, it presents itself under new conditions, and requires a different and more fundamental treatment.' This he proceeded to give it.

Mill showed that throughout the history of man there had been a constant endeavour amongst the 'lovers of liberty' to resist the oppression of strong men who had become tyrants. The solution was wrongly conceived as obtained when the European liberals of the nineteenth century so arranged the political constitutions that the people were said to be their own rulers. This school of thought saw no reason to limit the power of the people by any checks. Theoretically their own will controlled them. To this Mill took strong objection. He pointed out that in fact the rulers were not the same as the ruled; and in any case the rulers represented only the majority of the people. The government, Mill pointed out, was not the same as society; the government with unlimited power might (and did) take away that liberty which had been fought for for ages. Moreover, assuming the susceptibility to suggestion in man which Mill believed to be one of his essential characteristics, men were open to oppression from society through the force of public opinion and custom. 'Reflecting persons perceived that when society is itself the tyrant . . . its means of tyrannizing are not restricted to the acts which it may do by the hands of its political functionaries . . . it practises a social tyranny more formidable than many kinds of political oppression, since . . . it leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself. Protection, therefore, against the tyranny of the magistrate is not enough: there needs protection also against the tyranny of the prevailing opinion and feeling;

against the tendency of society to impose, by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them; to fetter the development, and, if possible, prevent the formation, of any individuality not in harmony with its ways, and compels all characters to fashion themselves upon the model of its own.' Mill revolted from this vision of monotonous mediocrity imposed by the procrustean bed of society on the varied types of human individuality. He anticipated a gloomy future: 'The majority have not yet learnt to feel the power of the government their power, or its opinions their opinions. When they do so, individual liberty will probably be as much exposed to invasion from the government, as it already is from public opinion.' How was this to be avoided? By what means was the power of the government to be restrained so that it did not exterminate the individual by curtailing that liberty which was essential to his varied development?

Mill sought to find the proper limits of this social control whether legal or by 'the moral coercion of public opinion'. His arguments implicitly denied the possibility of the measurement of human happiness. He rejected Bentham's belief in a calculus of pleasure. Without such a code, society had no means of ascertaining what conduced positively to the happiness of the individual. The latter must make such distinctions for himself. Mill declared that for one reason only could the group interfere with the individual: 'The sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their members, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.' Otherwise society had no right whatsoever to interfere. No one except the person concerned could ultimately judge what conduced to his highest happiness. Outsiders could only see when harm was arising to others. This harm society had the right and the duty to prevent. Mill concluded forcibly: 'The only part of the conduct of any one, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign.'

Where was the dividing line to be drawn between what concerned others and what concerned only oneself? Who was to draw that line? Mill defined 'the appropriate region of human liberty. It comprises, first, the inward domain of consciousness; demanding liberty of conscience in the most comprehensive sense; liberty of thought and feeling; absolute freedom of opinion and sentiment on all subjects, practical or speculative, scientific, moral, or theological . . . Secondly, the principle requires liberty of tastes and pursuits; of framing the plan of our life to suit our own character; of doing as we like, subject to such consequences as may follow: without impediment from our fellow-creatures, so long as what we do does not harm them, even though they should think our conduct foolish, perverse, or wrong. Thirdly, from this liberty of each individual, follows the liberty, within the same limits, of combination among individuals; freedom to unite, for any purpose not involving harm to others'.

Mill then examined the question of liberty of thought in great detail. He asserted that unless men were free to form and maintain their own opinions, they could not develop that 'mental well-being of mankind (on which all their other well-being depends)'. Otherwise there would be 'baneful consequences to the intellectual, and through that,' he insisted, 'to the moral nature of man'. Whilst freedom of thought was indispensable, freedom of action must be more limited. 'The liberty of the individual must be thus far limited; he must not make himself a nuisance to other people.' Provided he kept within this bound, a man could and should be free to pursue his diverse desires. Individuality was desirable, diversity was 'not an evil, but a good'. 'Free development of individuality is one of the leading essentials of well-being; . . . it is not only a co-ordinate element with all that is designated by the terms civilization, instruction, education, culture, but is itself a necessary part and condition of all those things.' Only freedom of thought and the measure of freedom of action necessary to insure spontaneity could develop that originality which was the end of civilization, and the highest good. Quoting von Humboldt, Mill proclaimed 'that the end of man, . . . is the highest and most harmonious development of his powers to a complete and consistent whole; and that, therefore, the object towards which every human being must ceaselessly direct his efforts, and on which

especially those who design to influence their fellow men must ever keep their eyes, is the individuality of power and development'. Diversity and originality were both necessary and desirable in such a scheme of values. The orthodox utilitarian insistence on equality, the rule of the majority in favour of the measurable happiness of the many, were implicity denied. Inequality must exist where individuals developed at different rates according to their inner capacities and opportunities. Mill declared that the free play of individuality must lead to differentiation between men, some being herded together into a 'collective mediocrity', others standing out as a superior minority of a higher type. Government by the many could not be advocated after such a realization of the distribution of quality throughout society. Mill rejected rule by the majority. He rejected rule by the masses who were but average men. He did not want the finer types to become the absolute rulers; but saw in them the leaders of mankind guiding persuasively the more imitative and less original masses. No one was to be compelled; no one was to be fitted into a preconceived pattern. Variety was essential to the well-being of mankind; it was the condition of its progress. 'Such are the differences among human beings in their sources of pleasure, their susceptibilities of pain, and the operation on them of different physical and moral agencies, that unless there is a corresponding diversity in their modes of life, they neither obtain their fair share of happiness, nor grow up to the mental, moral and aesthetic stature of which they are capable.' Mill was suggesting that inequality was in the nature of things. So far had he travelled from the average man and the calculus of pleasure postulated by Bentham. If the individual was so important, what then of the limits society should exercise over his actions? Mill came to no very definite reply to this in the essay *On Liberty*. He was content to cite many instances of ways in which the government could act to protect its citizens from harm. He suggested more freedom for private enterprise and an increase in local government activities. Thereby he hoped for more variety of experiment, which was enriching, and for more individual effort, which was educative, even though both were bought at the expense of decreased efficiency.

In the essay on *Representative Government* Mill attempted to meet this difficulty of combining efficiency and liberty, of delimiting in-

dividual freedom by social action. The object of the state as he had already shown was the development of the intellectual faculties of man. Thereon depended all further progress. In *Representative Government* he reiterated that: 'It is what men think which determines how they act.' All factors by which the thought of a people were modified were the controlling and guiding factors of that people. So the press and propaganda played an extremely important part in modern life. By these methods changes in government were brought about. Society was not mechanical as some of his contemporaries maintained but a living body changing and modifying its actions accordingly to its ideas. Nor did Mill subscribe to those who believed that the distribution of wealth was the clue to the residence of supreme power in the community. To Mill the controllers of opinion and propaganda were the sovereign rulers of the people.

The immediate problem of government was so to regulate the distribution of power that those capable of intellectual discrimination should have control. Only thus could the ultimate object of all government be achieved: the protection of the individual in order that he might develop his whole personality. Since development of personality was the goal of human effort, governors must be capable of helping the governed on to this goal. Government was the instrument whereby the intellectual capacities of the whole people might be improved and increased. Government had to perform a distinctly moral function. The constitution of the state should be so regulated that the best qualities intellectual and moral of the citizens should be utilized in the government. 'A representative constitution,' Mill declared, 'is a means of bringing the general standard of intelligence and honesty existing in the community, and the individual intellect and virtue of its wisest members, more directly to bear upon the government and investing them with greater influence in it, than they would in general have under any other mode of organization.' How was this to be achieved? Mill advocated far-reaching reforms in the electoral system, in Parliamentary procedure and functions, in the work of the Cabinet and the use of the expert. Some of his suggestions are as pertinent today as they were in 1861.

Mill insisted that the choice of governors should not be left to the indiscriminating efforts of the ignorant masses. A government should

not be chosen haphazard merely on the numerical majority of votes where each vote was of the same value. He suggested proportional representation as a remedy to this difficulty, hoping thereby that proper weight would be given to the right qualities needed in a candidate. But this he perceived was not sufficient to eradicate the numerical superiority of the ignorant masses which threatened to overwhelm the educated minority. Mill was in a dilemma. He set up as an ideal, 'a completely popular government' in which the whole variety of individuality should be utilized for the benefit of the community; in which the people should take that active share in the government so necessary to their proper development. He protested that it was unjust to deprive anyone of the right to voice his opinion on matters which closely affected his life. Yet he was prepared to advocate the disenfranchisement of those he considered incapable and unworthy of a vote. Only those of a certain intellectual capacity should be enfranchised. Mill asseverated emphatically twenty years before elementary education became compulsory: 'I regard it as wholly inadmissible that any person should participate in the suffrage without being able to read, write, and I will add, perform the common operations of arithmetic.' Education should be obtainable by all; then the exclusion from the suffrage would be the result only of individual laziness. Whilst waiting for this minimum standard of education to be achieved, Mill hoped that some system of plural voting should be devised whereby the educated should be given that degree of superior influence due to them 'and sufficient as a counterpoise to the numerical weight of the least educated class'. Mill hoped by these safeguards and reforms in the electoral machinery to make the representative assembly a 'fair sample of every grade of intellect among the people which is at all entitled to a voice in public affairs'. What were to be the functions of this representative assembly? What did Mill consider was the best form of government suitable to the modern state and its complex activities and yet compatible with the belief in popular sovereignty? He rejected rule by one man as rationally unsuitable. It placed too much work on one man and required from him a 'super-human mental activity' not to be found concentrated in the person of a single man. It meant too for the community an 'abdication of their own energies' which would con-

tradict the purpose of life, the development of every individual through variety of effort. Who then must hold the reins of government? How was it possible to combine skill and knowledge in government and retain that measure of liberty to the individual which could only be safeguarded if the ordinary citizen himself participated in the business of government?

Mill suggested radical changes in the powers and procedure of Parliament to meet this difficulty, and proposed constructive additions to the existing machinery of government. First he stated the proper function of Parliament in the modern state: 'Instead of the function of governing, for which it is radically unfit, the proper office of a representative assembly is to watch and control the government: to throw the light of publicity on its acts: to compel a full exposition and justification of all of them which anyone considers questionable; to censure them if found condemnable, and, if the men who compose the government abuse their trust, or fulfil it in a manner which conflicts with the deliberate sense of the nation, to expel them from office, and either expressly or virtually appoint their successors. This is surely ample power, and security for the liberty of the nation. In addition to this, the Parliament has an office, not inferior even to this in importance; to be at once the nation's Committee of Grievances, and its Congress of Opinions; an arena in which not only the general opinion of the nation, but that of every section of it, . . . can produce itself in full light and challenge discussion; . . . where the opinion which prevails in the nation makes itself manifest as prevailing, and marshals its hosts in the presence of the government, which is thus enabled and compelled to give way to it on the mere manifestation without the actual employment, of its strength; where statesmen . . . are enabled to shape their measures with some regard not solely to present exigencies, but to tendencies in progress.' These, the ability and duty to discuss, deliberate and to make the government aware of the impact of public opinion, were the proper and only functions of Parliament. How far had John Stuart Mill strayed from the ideal of Burke! Who was to undertake the task of actual government if Parliament was deprived of it?

Mill gave his reasons for this deprivation and suggested substitutes. He pointed out that a large deliberative body chosen as a 'fair sample'

of the nation was unsuitable for the tasks of executive work and legislation which required expert handling in the modern state. 'Every branch of public administration is a skilled business' of which 'the knowledge does not come by intuition'. If then the deliberative assembly whose function was discussion attempted to interfere and dictate in the details of their work then: 'At its best, it is inexperience sitting in judgment on experience, ignorance on knowledge.' Mill suggested that the work of administration should be left to the permanent civil service whose personnel should be most carefully selected in order to obtain real skill in a work which required such skill. He proposed that Parliament should retain control over these new invisible governors by its appointment of the ministers of every department. He concluded that: 'The proper duty of a representative assembly in regard to matters of administration is not to decide them by its own vote, but to take care that the persons who have to decide them shall be the proper persons.' In this establishment of ministerial responsibility direct to Parliament he hoped to check any abuse of power arising from the new arrival of the expert in the technique of government.

Similarly he pointed out that 'it is equally true, though only of late and slowly beginning to be acknowledged, that a numerous assembly is as little fitted for the direct business of legislation as for that of administration'. He amplified this statement by citing the clumsy procedure in Parliament where bills hung over, even in 1861, from session to session, and 'the utter unfitness of our legislative machinery for its purpose is making itself practically felt every year more and more'. He proposed instead the establishment of 'a Commission of legislation, having for its appointed office to make the laws'. This would be a small competent body of experts on law. They would not have power to authorize the laws they drew up. Parliament alone had that power; but any change in the phrasing of the law was a technical task and only experts could do it adequately. Mill envisaged Parliament as controlling policy by checking the expert executive on the one hand and sanctioning the general principles of law drawn up in detail by experts on the other. Mill rejected in the latter half of the nineteenth century Bentham's proposals for the direct control of the administration by the elected assembly. After the experiences of

thirty years it was obvious that the representatives of the people were not competent to govern where government had multiplied its duties indefinitely by setting itself the goal of achieving the greatest happiness of the greatest number. But they were still competent to choose their leaders and to discriminate between the men best able to carry on the work of government. The ministers and the Prime Minister were to be appointed by Parliament for their qualities as statesmen; whilst the selection of the permanent civil service by keen competitive examinations would supply to each minister that degree of expert knowledge which was essential to efficient government. In this way Mill hoped to achieve the combination of popular criticism and consent with skill, which he postulated as necessary to the achievement of the goal of human effort: the full development of each personality for the enjoyment of intellectual pleasures. 'Nothing but the restriction of the function of representative bodies within these rational limits,' he concluded, 'will enable the benefits of popular control to be enjoyed in conjunction with the no less important requisites (growing ever more important as human affairs increase in scale and complexity) of skilled legislation and administration. There are no means of combining these benefits except by separating the functions which guarantee the one from those which essentially require the other; by disjoining the office of control and criticism from the actual conduct of affairs, and devolving the former on the representatives of the Many, while securing for the latter, under strict responsibility to the nation, the acquired knowledge and practised intelligence of a specially trained and experienced Few.' Thus Mill advocated rule by an aristocratic intelligentsia partially modified by the criticism of the vulgar public. He had completely rejected Bentham's notions of direct popular control in obedience to the quantitative theory of pleasure where each human unit's happiness had the same value.

This divergence expressed itself in various forms. Mill rejected the idea of annual Parliaments. He saw no necessity for a constant reference to the electorate where the function of their representatives was criticism not execution of the government; where the elected body was a representative not a delegated body. He rejected the notion of delegation on the same lines, arguing always that the man of higher intelligence should not be subservient to the man of lower capacities.

Everywhere his political theory was penetrated with the idea of human inequality and variety of ability. Everywhere he urged the development of the unknown capacities of individuals. He advocated an extension of local government in order to place such responsibility on an increasing number of people that they might respond to the new stimulus and develop their latent abilities. Mill had diverged fundamentally from Bentham's premises and his theory of the state.

In the essay on *Utilitarianism* Mill attempted to adjust his own ideas to the pattern of orthodox radicalism, but without success. It was very apparent that he had long since ceased to believe in the basic conceptions of the old school of thought. He had substituted a qualitative for a quantitative concept of happiness. He relied on the judgment of the better qualified rather than on the numerically strong, and would only admit the authority of the latter where all alike were ignorant of the issues. He substituted government by the expert for government by the popular assembly. He agreed with Bentham's theory of the artificial identity of interests, but found it inadequate in view of the events of his lifetime and particularly after the astounding discoveries of Darwin by which he was profoundly impressed. Writing four years after the publication of the *Origin of Species* he maintained that social feelings in man were not merely artificially induced but were based on a 'powerful natural sentiment . . . this it is which . . . will constitute the strength of the utilitarian morality . . . The social state is at once so natural, so necessary and so habitual to man, that, except in some unusual circumstances or by an effort of voluntary abstraction, he never conceives himself otherwise than as a member of a body; and the association is riveted more and more, as mankind are further removed from the state of savage independence'. By the whole pressure of natural instincts and social sanctions men were induced to submit themselves to the authority of society. The individual inevitably made 'an indissoluble association between his own happiness and the good of the whole; so that . . . a direct impulse to promote the general good may be in every individual one of the habitual motives of action'. But if individuals were naturally bound to submit themselves to the dictates of society, what of their liberty? Mill casually introduced this prevalent notion of the natural bonds of society without entering into its effects on his general theory of the

state. He merely used it as a further argument in his structure of the state to justify his belief that it was possible to combine the liberty implied in democracy with the good government only obtainable by the use of the expert few. Mill had not reconciled the individual to the state. He had placed the development of the individual as the end of the state and described the means whereby the best personalities might be given their opportunity of expression. There was no reason save the bold statement that men were naturally sociable and Mill's belief that men were not ultimately selfish, to harmonize one personality with another in the final state of existence when all personalities had had their chance and developed in their unlimited diversity. Mill did not concern himself with the final state; he was interested in the immediate tendency to suppress the individual personality. He was the passionate advocate of personal liberty in a world where he saw it rapidly vanishing into the fold of collective mediocrity.

The impact of Darwinism on the utilitarian philosophy of the state was only partially visible in Mill's works. It dominated and created devastating confusions in the mind of Herbert Spencer as he endeavoured with Mill to defend the cause of individual liberty. Mill relied without comment on the belief in the natural identification of interests which bound his citizens to acquiesce in the rule of the intelligent few over the ignorant many. Spencer examined more fully this idea of the natural relation of the individual to society. He came to some interesting though confused conclusions, amply demonstrating the extraordinary influence which the scientific movement of the nineteenth century had upon the direction and formulation of political theory.

Having discarded the belief in God, many of the nineteenth-century scientists postulated a life force. This force was not static but dynamic; it was in a perpetual state of becoming. This concept of the life force lay behind the faith in the process of evolution which characterized the century. The doctrine of evolution was accompanied by a belief that mankind evolved upwards. The notion of progress was formulated. Man progressed though none defined the goal of the great progression. Mill accepted as axiomatic this belief in progress and the perpetual evolution of man to a higher state of

perfection. Spencer subscribed to the same creed; he applied it in detail to his political philosophy in his endeavour to justify and consolidate a claim for increased freedom of action for the individual.

Spencer accepted the utilitarian dogma that happiness was the end of life. He added that this end was willed by the life force. In order to obtain happiness man like every other animal organism must constantly adjust himself to his surroundings. Adjustment required a certain freedom in man which Spencer described as a free energy of faculty. Every man then must be free, but all these separate freedoms activated in obedience to the life force were regulated by a law of nature. Man had nothing to do with the establishment of this law which was laid down for him in a pattern outside his control; in the pattern of the universe. It therefore required no moral effort on man's part to obey as 'morality is essentially one with physical truth — is in fact a species of transcendental physiology'. Spencer like Bentham identified morality with physical laws, and deprived it of its very essence. He reduced it to a system of automatic reactions.

Nevertheless, in society such automatic adjustments between the several freedoms did not take place. The question of the individual's maladjustment with society still remained unanswered. Spencer maintained that men were in the process of adjustment; whilst they were evolving, struggle was inevitable. During this time of unrest government was needed as a machine whose only function was to help forward the few adjustments necessary. Its function was purely negative. It was desirable as a method of removing obstructions in the way of the free development of individuals. In the final stage government would cease to be necessary, and every individual would be capable of freely developing and freely adjusting himself to every other individual. Anarchy was the destiny of society. Government should gradually be losing its control and lessening its supervision. There should be no compulsory education, nor laws of any sort, nor control of industry. Absolute *laisser-faire* must triumph everywhere. Spencer was ruthless in his endeavour to justify the evolution of the individual at the expense of the community.

But the science in which he was steeped did not allow him to precipitate the individual into his ideal of utter freedom where others of his species were of no account. Spencer had to reconcile the

scientific doctrine of the evolution of the individual with the corresponding evolution of the complex organism of groups of which the individual formed but a part. Human society had passed from a simple to a highly complex state in which specialization of function was the chief characteristic. This was Spencer's clue. He argued that this process of specialization was another aspect of the urge to develop into uniqueness. The goal of human endeavour was to attain to this 'individuation' as Spencer dubbed it. Individuation was the standard of value. The ideal state was reached when the greatest individuation had taken place. In that moment society became static. It reached, he asserted, the point of equilibrium where each man was perfectly adjusted to his environment, and the growth of the social organism ceased.

This was the conclusion to which Spencer came in 1851 in his work on *Social Statics*. At that time Spencer belonged to the foremost group of utilitarians, to the advocates of free trade, to pioneers for social reform in the interests of the happiness of the individual. But as the social structure changed about him, and became increasingly a place where only collective action was effective, Spencer clung the more obstinately to his belief in the importance of the individual and the necessity to protect the single unit from the encroachment of the social organism. Spencer by this change in his environment appeared as a radical at the beginning of his life, and a conservative at the end, but fundamentally his philosophic assumptions remained the same. From start to finish he was an individualist.

In his later work, *Man versus the State* (1884), Spencer attempted to answer the question he had left unsettled in *Social Statics*: how did man achieve the point of equilibrium where he was perfectly adjusted to his environment? His answer to this was confused. He began by repeating the early nineteenth-century dogma that man was endowed with natural rights. The chief of these, he added, was the right of the individual to the 'free energy of faculty'. Every man consciously recognized the rights of others and was bound to respect them. Spencer obtained this sense of obligation by his original identification of science and morals. Natural rights were automatically moral rights. The state could never overwhelm these rights; its primary function was to find means of securing them for its citizens.

Ultimately the individual could defy the power of the state in defence of his rights. Spencer was on the point of condoning complete anarchy. But he diverged suddenly from his former conclusion. He asserted instead that men entered into some sort of contract with each other to preserve their natural rights. The primary function of the state changed from a gradually slackening adjustment between individuals to the continual enforcement of these contracts. The conception of the state as a gradually evolving natural organism whose main function was to harmonize the individual parts into a living whole disappeared. In its stead Spencer envisaged a mechanical contrivance made by men to preserve their individuality. He grossly confused the two theories of the state which Mill had asserted were the main tendencies prevalent in 1861. The state then was not to disappear, but to continue indefinitely with the need to preserve and protect the individual and his rights, ultimately enforcing that free energy of faculty which was the instrument for obtaining complete individuation. Spencer pressed forward Mill's advocacy of the liberty of the individual to the alternative conclusions of pure anarchy or to a return to the contract theory of the state surrounded by its many fallacies. His preoccupation with science prevented him from leaving the development of the individual to the indefinite law of progress. He was not prepared to leave the reconciliation of the aspirations of the varying types of individuals with society to this undefined movement. He followed closely in the tradition of Bentham and believed that the whole social structure and the laws of its being could eventually be reduced to measurable terms. In this faith he worked at *The Principles of Sociology* and thereby laid the foundations of the social sciences of today.

Mill's and Spencer's concern for the preservation of the individual and his liberty and rights was shared by T. H. Green. He approached the problem from a quite different angle. Mill and Spencer belonged essentially to the realistic school of thought. Green belonged to that group of idealists who, like Plato and Rousseau, depicted what should be and tried to reconcile the facts with their vision. Green was deeply influenced by Hegel's philosophy. His religious convictions provided a mystical interpretation to life similar to Hegel's and not to be found in Mill, Spencer or Bentham. His scale of values rested on something

very different from scientific formulae of the quantity or quality of human happiness. Whilst Mill stopped short at the process of the development of the individual personality, Green proceeded to the stage where development merged into full self-consciousness. Whilst Spencer depicted 'individuation' as a necessary instrument in the process of becoming, Green showed that self-conscious individuality was the final stage in the state of being. So Green was concerned with the final end of man and found it in the mystical conception of God. Green's religious convictions penetrated the whole of his political philosophy. He conceived of man with a defined end; he understood law as the outcome of a divine purpose for the world. Like Aquinas, Green's main concern was to examine the foundations of moral and political obligation, to see where and how far an intricate system of law impinged upon the developing personality. By what rights and to what extent did society with its customs, laws, penalties and public opinion, regulate and direct the activities of the individual?

Surrounded by the political institutions and the intellectual background of the nineteenth century, T. H. Green set out to examine the same question of obligation as had activated the curiosity of Aquinas in the thirteenth century. Both men lived in an age of comparatively rapid change. Both had witnessed an emotional upheaval in which moral values were entirely reorientated, the one about religion, the other about science. Both felt urged to examine the foundations of all social relations, the sense of obligation by which men were bound to each other. The impact of Darwin's theory of human evolution shook the accepted belief in the liberty of human action to its foundations. The utilitarians had unquestioningly accepted scientific valuations. But in Spencer's works it was becoming apparent that the new science, particularly the notion of evolution, raised the problem of determinism. How far did man choose his own happiness; how far was it thrust upon him or away from him by the life force? Could he by any act of his own, by the extension of the suffrage, or by an increase of education, add one inch to the stature of his personality? Or was each member of the human species limited beforehand by the conditions of his inheritance? Was the state there as a mere releasing instrument soon to be discarded or had it some moral function to perform? These were some of the crucial questions raised at the

end of the nineteenth century as the discovery of the evolutionary processes of nature began to take effect on intellectual life.

Green tackled the problem of human freedom and morality in his extensive works on philosophy and morals. In his *Lectures on the Principles of Political Obligation* given between 1879 and 1880, he related his general philosophical concepts to the particular sphere of politics. His examination of political obligation involved him in a discussion on the end of man, the nature of law, and its interaction with social activities. 'My purpose,' he declared, 'is to consider the moral function or object served by law . . . and in so doing to discover the true ground or justification for obedience to law.'

The aim of man, Green asserted, was self-realization. A self-seeking principle urged him on to this goal. This principle was not, as the utilitarians maintained, self-centred and egoistic. Its object was outside itself. Its goal was God. In every assertion of oneself one was a step nearer to self-realization; 'in men the self-realizing principle . . . is the manifestation of God in the world of becoming'. 'This assertion of himself is the demand for freedom, freedom . . . to act according to choice or preference . . . such freedom is precious to him because it is an achievement of the self-seeking principle. It is a just satisfaction of its claims, which is the condition of all other satisfactions of them. The consciousness of it,' he concluded, 'is the first form of self-enjoyment, of the joy of the self-conscious spirit in itself as the one object of absolute value.' Only in God was the process of becoming and the final achievement of self-consciousness present together. 'In God, or rather in the ideal human person as he really exists in God, they are actually one, i.e. self-satisfaction is for ever sought and found in the realization of a completely articulated or thoroughly filled idea of the perfection of the human person.' Man required freedom as a necessary means to attain this end.

Green defined freedom. A man is free when he is in that 'state in which he shall have realized his ideal of himself, shall be at one with the law which he recognizes as that which he ought to obey, shall have become all that he has it in him to be, and so fulfil the law of his being' or 'live according to nature'. Freedom then was limited. It was only freedom to attain the ideal, that is, freedom to become self-conscious. 'The good will is free, not the bad will.'

Self-realization only to be found in God was the object; freedom was the primary means to achieve it. How could each individual seeking self-realization find it in society without limiting others in the accident of his becoming? How could the separate freedoms be reconciled?

Green argued that all men had the same object in common, the attainment of self-realization in God. Human nature bound for the same goal was essentially the same. What was the good for one was the good for all. Men in becoming self-conscious entered into the state of all consciousness appertaining to the divine; in this state they became conscious of each other. Liberty which was a positive power 'of doing or enjoying something worth doing or enjoying', was not possessed by individuals to the detriment of others, for what was worth doing to one, was worth doing to the other. All men had ideally the same criterion of value as all had the same ultimate end in view. Liberty was thus a social act 'something that we do or enjoy in common with others'. Self-realization of the personality needed society to help it in its process of becoming. Men with an end in common needed each other as a means to achieving this end. They entered into relations with each other. By what means did they regulate these relations so that each personality should develop unimpeded towards its final self-consciousness? How did Green propose to reconcile the individual with society? How did he resolve the claims of the one with the other? He examined the nature of obligation, moral and political, in order to show the extent of society's control over the individual and the part which it played in the development of personality. To do this Green turned and examined the nature of law. He strove to show the exact nature of the compulsion it exercised over the individual.

Green began by criticizing the term 'natural law'. He redefined it, narrowed its meaning, and made an important distinction between natural and positive law. He rejected the meaning given to natural law by such men as Hobbes and Locke. He asserted that law was 'only natural' in the sense that it was necessary to the end which society sought to realize. He then rejected the seventeenth and eighteenth centuries' conception of the 'state of nature' as a fact, merely to suggest that it should be taken as the ideal. The natural

state of society was the ideal to which society moved. In some sentences Green interchanged 'natural law' with the phrase 'or the law of God'. But in his definition of the term he delimited it to the group of things which ought to be, if society were to reach its ultimate goal. 'Natural law' was distinct from moral duty on the one hand, and positive law on the other. Morality was a condition of the inner man. Its primary characteristic was freedom. This Green described as 'will' which was the ability possessed by the inner man to make a choice between two actions and choose that which led to greater development of the personality. The will (or freedom to choose) of the inner man could, by definition, never be coerced; hence morality could never be enforced by external pressure. The moment it could be enforced it lost the main characteristic of morality and came under the heading of natural law. Natural law regulated the acts of the outward man, which were controllable. But the acts of the outward man were not all controlled as they should be. Positive law showed what acts were actually under control. Hence moral duty comprised what should be but was essentially not enforceable; natural law comprised what should be, and was essentially enforceable; positive law showed what actually existed, and was enforced. Like Mill, Green found it extremely difficult to distinguish between the outward and inward man, a difficulty as great as in the medieval and later controversies over things temporal and spiritual. Apart from this fundamental difficulty, Green's assertion came to this; that natural law must always be limited by man's moral nature. Society could not arbitrarily intrude on the realm consecrated to the development of the moral nature and personality of man, where will reigned supreme, with freedom as its handmaiden.

The ideal to which society tended was designated in the system of natural law. The means by which this end was attained constituted 'rights'; which were a mutual recognition of the members of society of the necessities they required that they might fulfil their common end. 'Every moral person is capable of rights; i.e. of bearing his part in a society in which the free exercise of his powers is secured to each member through the recognition by each of the others as entitled to the same freedom with himself. To say that he is capable of rights is to say he ought to have them . . . Only through the possession of

rights can the power of the individual freely to make a common good his own have reality given to it. Rights are what may be called the negative realization of this power.' The means by which the ideal was attained was negative. Rights pertaining to the natural state in which natural law showed the way, were only means to attaining this end; without the end in view, natural rights were unrelated and unmeaning. So by natural law men knew what ought to be done through social effort to obtain their end; they must have 'rights' in order to fulfil their duty. Duties and rights were correlated.

What was the function of the state, and what was the relation of positive law to natural law? Green insisted on the distinction perceived by Mill between the state and society. But he gave the terms his own meaning. Society was the ideal of what ought to be. It was a greater unit than the state which was what is. Society's laws were not incorporated to any extent in the legal codes of a country. They were enforceable by the more subtle but no less effective force of public opinion and custom. Positive law showed what any state actually considered it necessary to enforce at any given moment. There was a perpetual process of adjustment between the system of the positive law of a state and the natural law of society. When had a man the right to refuse to obey the positive law of his country? Suppose the positive law was directly contrary to the ideal of what ought to be, should he obey it? Would he not be vitiating his moral nature, and hindering the ultimate goal, the development of personality?

This was the crux of the right to rebel. Was Green going to declare in favour of ultimate anarchy by according the right to rebel to each individual at the dictates of his individual perception of the good? Green compromised. He asserted that the individual had many rights in common with others, and that it was unreasonable to forfeit all other rights in order to maintain a single one. Better to educate public opinion until it received your standard as its own and then with a majority behind you, you could incorporate your idea in the positive law of the country. The natural law of what ought to be and could be enforceable, was continually passing into the positive law of what is, and is enforced by penalties.

The function of the state was essentially that of the Aquinine state;

it must release men in order that they should 'fulfil their personalities'. 'The function of government is to maintain conditions of life in which morality shall be possible, and morality consists in the disinterested performance of self-imposed duties.' It was negative, but moral. Its sphere of interference was undefined. Anything might have to be controlled in order to remove hindrances from the path of the aspiring members of society. Green approached a paradox. The state must use force to control the outward acts of the man, whose ultimate freedom of action was its only justification. As Dr. Barker remarked, Green 'uses force to create freedom'. For this purpose, power or sovereignty resided in the general will composed of a common consciousness of a common end, which was society. But society had a moral basis in the moral consciousness of its individuals, whose morality rested on their will to choose. So society was conceived as a moral entity, with a moral purpose in view, and Green concluded that 'will not force is the basis of the state'.

The extent of state interference was very great. The state was constantly having to adjust one group within itself to another. The state was constantly regulating the 'rights' (the means to an end) of its citizens. It could put down slavery in order to protect the freedom of one section of the community. It could interfere with education drastically in order to protect the freedom of the child against the encroachments of its parents. Furthermore education was a natural right as knowledge was essential to the development of the personality. Education must therefore be compulsory. It could and must pass any health regulations in order to protect the right to health of all its members against the individual freedom of the few over their external acts which had now become of social importance. Where Mill faltered at vaccination as an infringement of individual liberty, Green saw control of health and housing a necessary duty of the state to promote the full development of individual personality in and through society. Thus Green advocated social reforms not as expedient but as obligatory. The state had a moral duty to perform in releasing the individual from external hindrances to the pursuit of the good life.

This function of adjustment extended beyond the confines of one state. Society was a more comprehensive body than the single state.

Natural rights were broader than, and not coterminous with, legal rights. The right to life belonged to all as a primary necessity before personality could be developed. The right to life postulated a universal brotherhood in which all nations of whatever varying degrees of consciousness must agree on this primary need. An international consciousness based on the right to life implied a universal society recognizing this right universally. Within such a group, states must seek to adjust themselves in order to maintain the fundamental right, i.e. to life. Consequently Green condemned outright all war. It could never be justified however much it might be condoned. He envisaged an international court of law 'with authority resting on the consent of independent states'. The international state must be continually adjusting the smaller groups of nation-states to each other in order to maintain the natural rights belonging to all men in their communal and progressive search for the complete development of their individual personalities. Green resolved the good of the individual in the good of all humanity.

Green wrote at the end of the nineteenth century. The era of untrammelled individual enterprise was at an end. The philosophic radicals had fought for the greatest happiness of the greatest number against the privileges of the few at the beginning of the century. They had postulated an average man whose happiness was measurable in terms of quantity. The attainment of their first successes led to disillusionment. Happiness was not achieved through enfranchisement of the masses. Happiness was an individual product. Individualism accorded well with the first spurts of enterprise. The threat of its extinction from the middle of the century onwards urged men like Mill and Spencer to defend it with the weapons suited to their differing natures. Green took up the cudgels; but the social forces were too strongly developed by that time. Could not some compromise be made between the inevitable trend towards social control and the preservation of the individual? Green sought to make such a compromise. The shadow of the overwhelming powers of the modern state already fell across his works. The liberty of the individual sank into obscurity. The world state rose on this hidden assumption. The age of the individual was past. In the group activities of the late nineteenth and early twentieth centuries, the

theme of liberty appeared irrelevant. Freedom to develop everyone's personality required equality of opportunity to all. But opportunities were distributed in direct relation to economic power. The liberty to develop into full self-consciousness, to enjoy the higher intellectual pleasures beloved by Mill and the protagonists of nineteenth-century Liberalism, was meaningless apart from a drastic redistribution of the material wealth of the community. To advocate the right of private property as a necessity to the full development of the personality and to realize that the majority of the people were a propertyless proletariat was to perceive a serious contradiction within society which Green at least sensed in his interesting but confused chapter on the right of the state in regard to property. Liberty, without an economic basis, seemed mere illusion.

CHAPTER XII

THE INDIVIDUAL *versus* THE COMMUNITY

Second Phase: The Doctrine of Social Control

WHILST English political thinkers became absorbed in the defence of the individual in the middle of the nineteenth century, continental political thinkers concentrated on the nature and importance of the powers of the community. The cogent and exclusive force of nationalism on the continent repeatedly thrust aside the liberal movement advocating constitutionalism and a measure of democratic control within the state. The nationalism of nineteenth-century Europe was a passionate desire for the independence of the state, not a movement towards the independence of the individuals within each state. The revolutions of 1830 and 1848 showed definitely that the advocates of individual liberty presented too disjointed an ideal to compel that loyalty necessary to urge the whole people to revolt against their oppressors. In Italy the republicanism of Mazzini yielded eventually to the monarchical power of Sardinia, as after 1849 it was apparent that the chief bond of unity between the Italians was the hatred of the foreigner not a passion for liberalism or republicanism. So too in Austria, the Balkans and Germany, small groups of men enthusiastic for representative government and advocating constitutional reforms whereby the voice of the people might be quickly heard in the councils of government formed ineffective minorities. The demand for participation in the government on the continent came only from the middle class and intellectuals during the first part of the nineteenth century. But the desire for national independence inspired everyone. So the fervour of patriotism tended to swamp in the mystic body of the nation liberal constitutionalism and its belief in the importance of the individual. Both were heritages of the French revolution, but the immediate necessities of the people after 1815 in Europe thrust forward nationalism and the sovereignty of the community into the first place. Until the various new nations had

each secured a measure of national independence, they had neither leisure nor inclination to consider the question of the best form of government desirable and to enter into the problem of the desirability of loosening the control of the state over its individual citizens and granting them each a greater measure of liberty. In these circumstances until far into the nineteenth century nationalism crowded liberalism off the stage of European practical politics.

Prussia became the centre of some of the most important speculations on this subject of the power of the community. The Prussian state had been the first to resent the dominance of Napoleon. Early affected by the ideas of liberty broadcasted by the French revolution, resentful of the decline of their power after their brilliant pre-eminence under Frederick the Great in the eighteenth century, the Prussian people were eager to re-establish their independence and to reassert their position in European politics. Prussia was rapidly reorganized into a compact state on the model of Frederick and became the centre of resistance to Napoleon in the war of liberation.

This experience of patriotism deeply impressed Hegel as he grew to manhood amidst the excitements of revolution and counter-revolution in Prussia. It determined some of the most vital of his political concepts. It caused him to link together his dynamic philosophy of evolution with the no less dynamic force of patriotism. He had argued that the idea manifested itself in matter whilst evolving towards greater self-consciousness. He concluded from his personal experiences in the revival of the Prussian state, that the epitome of this process was the state. Only in the state, in the overwhelming consciousness of the group, could the individual achieve his greatest degree of self-consciousness. Hegel was not merely repeating the ideas of Plato and Rousseau by whom he was deeply influenced. He added a new element to the belief in the pre-eminence of the state as the final goal of the individual's efforts. His addition was the peculiar product of the nineteenth century. Therein lay its potency. He harnessed the new belief in the dynamic nature of the universe to the old well-established belief in the pre-eminence of the state, recently revitalized by the force of nationalism. He bedded the ideas of the importance of the group deep in the philosophic structure of the universe.

Hegel's advocacy of the importance of the group had a widespread influence. It penetrated European thought in various directions. It laid the foundations on which most of the subsequent communist and socialist theories were built. Implicit within it was the idea of the personality of the group. This idea later elaborated by the legal school led by Gierke was an important factor in the determination of the attitude of the state towards trade unions, the churches and the trust and combine movement. Everywhere in Europe Hegel's belief in the preeminence of the group caught and held the imagination of his contemporaries and disciples whose environment forced upon them consideration of this question as the vital concern of their day.

But much had to be added to and taken away from Hegel's concepts of the state and the foundations of society before they could become incorporated in either the economic or legal theory of the state as advocated by communists, socialists and lawyers respectively. Hegel emphasized the spiritual nature of the universe and the state. Marx, his disciple, frankly denied this and maintained a materialistic view of the universe and the forces activating society. Yet Marx was profoundly influenced by Hegel and the same spirit of nationalism which both men had experienced in their common native land. How then did such a violent reorientation of values take place? Why was it that men, profoundly influenced by a philosophy which, like Plato's, stressed spiritual elements and deprecated the pursuit of economic security and comfort as the goal of social effort, should become the prophets of such a gospel, and for the first time for centuries hold up the attainment of material prosperity as the final consummation of human aspirations? Why did the achievement of economic equality hold out the hope of spiritual development and become consequently the vital necessity to further progress? What was peculiar to the nineteenth century which thrust forward this aspect of political thought as the centre of speculation?

The appalling conditions engendered by the industrial revolution would have been sufficient in themselves to startle men out of their complacent acceptance of the *status quo* and to urge them to take some remedial action to mitigate the hardships resulting from a sudden increase in wealth and a corresponding increase in poverty in the various strata of society. But the industrial revolution did much more

than instigate a small proportion of society to philanthropic works. It undermined and finally shattered the medieval quasi-christian idea of the nature of property. In attacking this concept, the industrial revolution attacked a fundamental concept of political philosophy. Naturally the controversy arising therefrom had a potent influence on the development of subsequent political theory. New ground was broken in this effort to restate the nature of property in relation to the new methods of producing wealth. The medieval idea of wealth as the gift of God of which men had only the use and to which they had no absolute claim was irrelevant in an age when divine influences were denied or thrust far into the background. The industrial revolution emphasized still further the break with the past whereby wealth was regarded as the product of a good season and the direct consequences of the will of God. Instances abounded from the rise of industry which reflected the growing belief that wealth was the result of human effort and not of the beneficence of God. Tithes were refused early in the seventeenth century in England on any property which did not directly come under the influences of the seasons. If God did not directly control the increase, it was argued, then he had no right to the tax of a tenth on the profits. This view was formulated later in a more positive theory by John Locke. Significantly enough Locke's theory of value took shape simultaneously with his advocacy of religious toleration. The connection between religious leniency and the rejection of the old theory of property as a usufruct from God was very close.

Locke agreed that God had given the fruits of the earth to mankind. Originally there was no private property. But the moment a man took something from the common stock and by his own efforts put it to his own use, that thing became his own by virtue of the work he had put into it. 'Whatsoever then he removes out of the state that Nature hath provided and left it in, he hath mixed his labour with it, and joined it to something that is his own, and thereby makes it his own.' A man's right to his property was the result of his own effort not of God's will. Locke's theory was very individualistic. Still he retained the notion that the law of nature should curb the greed of men and prevent exploitation of 'another's pains'. 'As much as anyone can make use of to any advantage of life before it spoils, so much he may

by his labour fix a property in. Whatsoever is beyond this is more than his share, and belongs to others.' In the seventeenth century when means of preserving food and of accumulating manufactured goods on a large scale for a long time were unknown, this limitation still related the division of property to the condition of natural decay. In the nineteenth century with its artificial preservation of the fruits of the earth and its stocks of non-perishable goods, Locke's limitation was irrelevant.

But Locke had postulated a theory of property, the 'labour theory' of value, destined to have a remarkable influence on the development of political thought. As industry expanded in the eighteenth and nineteenth centuries the fruits of the earth became more and more developed by man's agency. Men co-operating together in a growing scheme of division of labour so mixed their labour with the natural gifts of God that it was difficult to ascertain by which man the new wealth was created. Which of the many agents or groups of agents had the right to have a 'property' in the final product? As Thomas Hodgekins stated in 1825: 'There is no longer anything which we can call the natural reward of individual labour. Each labourer produces only some part of a whole, and each part, having no value or utility in itself, there is nothing on which the labourer can seize and say: "It is my product, this I will keep to myself."'

Whilst changes in the economic life of western Europe were gradually emphasizing the need to consider the distribution of this newly acquired wealth on a basis more in accordance with the facts of the situation, political events emphasized property as a fundamental right of man. In the English, American and French revolutions security of property figured in the lists of natural rights. Any new concept of the nature of property formulated from the economic point of view inevitably repercussed on the attitude towards the state and its functions. If the nature of property was to be redefined, then the function of the state in relation to property must in turn suffer modification. So in the nineteenth century a rapprochement between economics and politics took place as the industrial revolution vividly emphasized changes in the methods of the producing and holding of wealth. So in the nineteenth century Plato's scorn of economic activities, of the pursuit after comfort and security, and the medieval

contempt of the things of this world based on the assumption that they were but incidental to the ultimate end of human endeavour, alike vanished. The industrial revolution depicted wealth as a result of co-operative effort; the political revolutions broadcasted the notion that property pertained to each individual as his inalienable right; the actual facts of the situation showed that only part of society benefited by the acquisition of this new wealth, only part were property holders, the rest, and this the majority, were disenfranchised of one of their inalienable rights. How was this to be justified? How did the contempt for economic matters change to veneration? How was it that in the nineteenth century political thinkers became profoundly interested in this material aspect of human activities and subordinated to it all other activities?

The explanation of this change in ethical values lay in the development of a materialistic philosophy of the universe derived ironically enough from Hegel. The development of this aspect of the Hegelian philosophy in terms of social values was due in large part to Karl Marx. But Marx was merely making coherent and forceful what was already sought after by the new school of political thinkers: the socialists. Disgusted by the appalling conditions of the masses and their obvious exploitation by the property owners, inspired by the high idealism of the French revolution emphasizing the intrinsic value of each individual, the advocates of socialism denounced a condition of affairs which created such a contrast between their ideals and the actualities. So on every side wherever the factory system with its long hours and hard conditions drove the workers from their homes into the prison life of the factory, denunciations of the system arose and queries were raised as to its justice, as to the nature of property whereby some men were established as the masters others as the slaves, as to the whole system of society whereby one group of men might exploit without question the efforts of another. If the community was the indivisible source of all activities, regenerating and inspiring its individual members whether capitalist or proletarian, how was it that some of these individuals were sunk in a deathly apathy in which none of their latent forces could even hope for development? The masses were deprived of all opportunity to greater self-consciousness by the very community who benefited by

their activities and held out theoretically the hopes of a fuller life. The early socialists faced with these contradictions examined the problem piecemeal. Saint Simon and Proudhon queried the nature of property and denounced it as an inalienable right of the individual. Robert Owen and the English socialists regarded the whole system as an infringement on the rights of the individual and a stifling of his potential development as a soul. Those who produced should acquire the results of their production on some basis of equity. Since production was a co-operative effort, the distribution should be in terms of co-operation not exploitation. So Owen advocated a system whereby each co-operator could participate in the profits of his work according to a scheme approved by all.

But the schemes and writings of the French and English early socialists were merely nibblings at the greater problem. It was not sufficient to criticize the nature of property, or to set up small co-operative bodies as tiny oases in the competitive struggle. What was the nature of society itself that it permitted such abuses of power? What was the relation of society to its individual members? Must it help them towards emancipation from these frightful conditions? Or must it seek to suppress these manifestations of unrest? Was the Chartist movement a dangerous revolt or the first step towards a higher level of existence? What was the ideal form of society wherein these abuses would not exist, and how could it be achieved? The discontent aroused by the industrial revolution; the firm conviction that society was in some sense a corporate body representing the fullest development of self-consciousness known to mankind; the very real existence of cut-throat competition and rapid changes in the holding of property; all caused a concentration on the nature of society in terms of economics and conflict in the nineteenth century. Karl Marx united in a coherent whole the conception of the pre-eminence of the community, the struggle for existence and the urge towards self-consciousness, already formulated in different spheres by his contemporaries. From these strongest forces of the period, he evolved his theory of communism and the methods of its achievement. No wonder that his gospel of redemption embodying the most cogent emotions of his day swept men off their feet and established a new and compelling school of thought.

The life and writings of Karl Marx are too well known to require detailed description here. Suffice it to recall a few of the more significant facts of his life. Marx began life in Germany as a disciple of the Hegelean school of philosophy. He, like Hegel, had experienced the uprising of nationalistic emotions which continually swept over central Europe in the first half of the nineteenth century. Seizing on the idea that development was achieved only through constant contradictions, Marx set himself to criticize continually the social structure of his day. He regarded criticism as an instrument of progress. Everywhere he went he established critical newspapers in which he and his friends analysed ruthlessly the social phenomena about them. His interests on the continent were mainly political and philosophical, but his exile in England after 1849 brought him into immediate contact with the extraordinary phenomena of the industrial revolution. Marx began feverishly to study economics. He rapidly became familiar with all the classical economists. Malthus and Ricardo had an abiding influence on his thought in their respective theories of subsistence wage and the labour theory of value. His reading was omnivorous. He seems to have read every government report on social conditions issued in England during his sojourn there. He regarded the conditions in England as a particular example of the general development of society, and an example worth studying as it represented a higher stage of development than elsewhere at the moment. He worked then from the particular to the general. He induced from his collected data certain general principles underlying human relationships. He was essentially a realist working as a scientist on social phenomena.

Marx never dealt specifically with the problems of political philosophy. His views lay implicit in his criticism of the economic system whether in such heavily annotated economic studies as *Das Capital* or in his propaganda works like the *Communist Manifesto*, or in his analyses of political events like the *History of the French Commune of 1870*. In these works under the cloak of economic terminology or historic narrative he revealed his conception of human nature, its struggles to achieve its end through society, the difficulties attending this evolutionary process and finally the means whereby he hoped success would eventually be secured.

Marx conceived of man as an economic rather than a political animal. How did he arrive at this novel metamorphosis? In nature every organism in its struggle to exist developed fresh powers in order to keep pace with the evolutionary process. Simple organisms became complex; plants and animals developed fresh faculties to satisfy their increasing list of wants in a system itself becoming more complex. Man similarly became a more complex organism, until, at a certain point in his career, he ceased to follow the usual course of animal life; he did not produce a fresh limb or organ to meet his fresh wants. Instead he took to making tools. He constructed instruments external to his own body for the satisfaction of his wants. How was he able to do this? Man found developing within himself a new faculty, the power to use tools for a preconceived end. 'What distinguishes the most incompetent architect from the best of bees, is that the architect has built a cell in his head before he constructs it in wax.' Man had the power to conceive of things in his imagination in an ideal form. The mind of man developed rapidly under the stimulus of tool-making. Mind was a new force of nature, antithetical to matter, nevertheless its product. Marx had effectively inverted the Hegelean conception of evolution and translated it into pure materialism. The development of mind, of self-consciousness, was now seen as a by-product of the efforts of man to satisfy his wants. The process by which this satisfaction was achieved became immediately the most vital of human activities. Experimenting mind directed the power of tool-making for the satisfaction of insatiable human wants in a process described by Marx as the labour process. Essentially man was an economic animal. 'Primarily,' said Marx, 'labour is a process going on between man and nature, a process in which man, through his own activity, initiates, regulates, and controls the material reactions between himself and nature. He confronts nature as one of her own forces, setting in motion arms and legs, head and hands, in order to appropriate nature's productions in a form suitable to his own wants. By thus acting on the external world and changing it, he at the same time changes his own nature. He develops,' Marx concluded, 'the potentialities that slumber within him, and subjects these inner forces to his own control.' He defined the instrument of labour as 'a thing or a complex of things, which the worker interposes between himself

and the subject matter of his labour (e.g. the soil), and one which serves as the conductor of his activity . . . Leaving out of consideration the gathering of ready-made means of subsistence, such as fruit, for which purpose man's own bodily organs suffice him as the instruments of labour, the object of which the worker takes direct control is not the subject matter of labour but the instrument of labour. Thus nature becomes an instrument of his activities, an instrument,' Marx declared proudly, 'with which he supplements his own bodily organs, adding a cubit or more to his stature, scripture notwithstanding. Just as the earth is his primitive larder, so, likewise, is it his primitive toolhouse.' So the evolution of man must be studied through a knowledge of the changes in his tool-making apparatus. For by means of the tools and the elaboration of these tools man revealed his dominance over nature and developed his hidden potentialities. The instruments of labour became then 'the indicators of the social relations amid which labour is performed', and 'the development of material production' hitherto ignored by historians was seen to be 'the basis of all social life'. The economic process was the supreme articulation of human desires and potentialities.

The act of labour was of intrinsic value. Man could only evolve through his contact and struggle with the other forces of nature. Only by the labour process could he satisfy his wants and develop his potentialities. Through the sweat of his brow he realized the slumbering forces within him. Work was lifted from the degradation placed upon it by the biblical curse and reinforced by every great civilization to a great exaltation. It alone had supreme value. The act of labour, of transforming human energy into products for the satisfaction of human wants, was the instrument of individual and social evolution. The more wants man could satisfy, the more complex became his nature, the more self-conscious he became. The individual could only satisfy a limited number of wants. But by co-operation he could unite his physical strength with others and specialize his skill so that he could satisfy an increasing, indeed an unspecified, number of wants. So, as humanity evolved to greater complexity in its desires, and as its potentialities through the labour process became actualities needing satisfaction, the social system in which men lived adapted itself to this urge for satisfaction, for

development of the life force, of energy, within the individual. Social systems like organisms passed from simple to complex groups. Division of labour took place within the economic and the social structure. Men specialized within their crafts and drew away into exclusive guilds or professional casts. Yet specialization involved dependency as each individual strove to benefit from the increased power of satisfaction produced by this economical form of labour. Exchange of commodities sprang up. Social groups were interlaced by their mutual wants. 'The seeming independence of the individuals is supplemented by a system of general and mutual dependence through or by means of the products.' The evolution of the individual depended more and more in its higher stages on the expansion of society into further complexities. Only in and through society could the individual hope to satisfy his manifold cravings. These too were further stimulated by social contact. 'The very existence of social contact,' said Marx, 'arouses emulation and induces a certain stimulation of the animal spirits, whereby the efficiency of each individual worker is promoted.' So in the labour process, man realized himself, and, involved by it in co-operation with others, gathered fresh energy for further development. 'Man is by nature,' Marx concluded, 'if not . . . a political animal, at any rate a social one.'

If the worker was the instrument of civilization by whose efforts alone society evolved then how was it that in contemporary society the worker occupied such a degraded and unconsidered place, and men, who never mixed their energies with the forces of nature, gained all the benefits of the productive efforts of their fellows? How had the machinery of production for the satisfaction of human wants been diverted from its end so that the worker, whose labour alone had value, was cheated of the results of his labour, and, in a world where power to satisfy wants was developing at unprecedented rates, where such power was his own production, found himself rewarded with only sufficient crumbs to keep him alive? Marx endeavoured to show wherein lay the corruption of society, how all power had accrued in the hands of the few and left the many starving and stunted as slaves to the most tyrannical of masters. He explained the discrepancy between society as it ought to be by nature, and society as it was, in terms of the age-long conflict of classes, and in particular of capital

and labour. In his explanation Marx revealed his concept of the origin of political authority. How had some men become the rulers, others the ruled? Marx was considering a central problem of political thought.

The dominance of one group of men over the majority in the economic-political system was due to various causes. The smooth functioning of the labour process whereby effort was rewarded with its due satisfaction was interrupted at a given point in time by a dramatic event fraught with important consequences. Men invented money as a means of exchange and a standard of value in order to facilitate the exchange of commodities. Money was an easily circularized commodity recognized by society as an equivalent, or, as Marx put it, as the 'general equivalent' of all other commodities. Its proper use was to facilitate exchange of commodities, to further the 'social circulation of matter', so that 'the product of one kind of social useful labour replaces the product of another kind' and the greater satisfaction of the two exchangers resulted. This transaction was represented by the formula C-M-C, where C stood for a commodity, M for the money for which it was exchanged, and the last C stood for the second commodity which the owner of the first received in return for his original commodity. In this way at the end of any proper transaction each man was better off because he had acquired a new means of satisfaction, and the money was merely a means to facilitate the exchange.

But a hidden danger lurked in the use of money. Gradually its original purpose as a means of furthering satisfaction was lost sight of. Money, 'a radical leveller', effaced all the distinctions between the various commodities it represented, and appeared merely as a means of exchange having an intrinsic exchange value. Money then began to circulate as an end in itself. Instead of the transaction C-M-C taking place, a new transaction arose substituting the means for the end: M-C-M^1 where a commodity was merely bought in order to sell it at a higher price, M representing always a different sum from M^1. So the vicious process of money breeding money forcibly condemned by the ancients replaced the natural process of the exchange of commodities for the satisfaction of human wants. The latter object was lost sight of entirely. Money being itself a commodity could be

possessed as the private property of the individual, who then entered into this process of circulating money as an end in itself in order that his commodity M might in circulation increase in value. So the private individual entered the economic process of the 'social circulation of matter' for an end subversive of the general purpose of mankind, for his own profit, for the increase of his own power. So he obtained, through the private possession of money, a control of social power, and 'social power becomes a private power in the hands of a private person. That was why', added Marx, 'the ancients denounced money as subversive of the economic and moral order of things'.

How did the invention of money enable one man to dominate another? Marx had shown how money which had been given value by a social act could become the sole possession of the private individual. But why did this constitute a danger to society and why was the breeding of money through the exchange process unnatural? Marx argued that labour alone had power to create value. Money could not breed more money. Somewhere the owner of money must be in contact with labour and be extracting value from the worker over and above what the latter required for the satisfaction of his own wants. Somewhere 'surplus value', the difference between M and M^1, the profit made on each transaction, was being created. But the only creator of value was labour. Somehow the capitalist or possessor of money was extracting surplus value from labour, was seducing the labour process from its natural aim, the satisfaction of human wants, and was prostituting it to his own vicious purpose, 'the self-expansion of capital'.

Marx proceeded to show the mechanism for the creation of surplus value on which the parasite capital lived. Incidentally he revealed the dire consequences of such a parasitic growth and suggested methods of removing it and a justification for such action. In political terms Marx was showing the extent and nature of tyranny; was advocating the right to revolution, and suggesting as an alternative an ideal organization for society.

Surplus value was achieved by forcing the worker to labour longer than was necessary. How was this done? The method was ingenious. The worker sold his labour in the market freely to the employer. But the price he obtained for it was not its potential value as a value-

creating instrument, but the amount necessary to keep him alive and enable him to reproduce further instruments of labour, i.e. to keep the supply of labour up by maintaining a family. There was a great difference between these two sums. The price of keeping a worker at a given standard of living in a given society might be 3s. a day but the value he produced during that day might be 6s. If a man only worked in order to satisfy his wants, then he ought in such a society only to work long enough to produce 3s. This amount of work alone was necessary. But in fact he did not. In fact and in law he had sold the whole of his day to his employer, and the employer had the legal right to force him to work for as long as he liked. The only limit on the length of the working day was the natural limit of twenty-four hours. In that time men must have a short respite for the renewal of their strength, but the length of respite, like the length of the working hours, was indeterminate, depending on the capitalist's idea of the minimum the worker required for his recuperation. The worker in selling his day's labour had sold his life to the capitalist for a mess of pottage. The length of the working day became the battleground between the parasite capital and its victim labour. Only by forcing labour to produce surplus value could capital hope to persist. The nature of capital was such that it must inevitably dominate or perish. 'Capital . . . like a vampire, can only keep itself alive by sucking the blood of living labour. The more blood it sucks, the more vigorously does it live.' This struggle between capital and labour directed the course of history and the development of civilization in the last five hundred years. Capital in its ceaseless urge to self-expansion sought at every point to isolate the worker and make an easier prey of him. The effort to produce surplus value proceeded in every direction: by the extension of the length of the working day; by the introduction of the shift system turning night into day; by the intensification of the worker's efforts within the given limit; by greater economies; by specialization; by division of labour so great that mechanization could easily take the place of human labour; finally by the gradual control of all branches of the industry so that these economies could be effected and large scale industry was established demanding world markets as an outlet. As the capitalist increased the number of his workers, his profit increased. For each worker represented the production of a specific quantity of

surplus value. The more workers to each capitalist, the more profit would accrue to that capitalist: 'Alike historically and conceptually, the starting point of capitalist production is where a large number of workers are aggregated at one time and in one place . . . under the command of one capitalist, for the production of one and the same kind of commodity.' Large scale industry was the inevitable and desired outcome of capital. As capital sought to impinge upon labour, it developed theories and concepts justifying its actions and furthering its designs. So capitalism was the stronghold of rank individualism. Thereby it maintained its right to private property for the free use of the individual for his own profit, and insisted that the worker must be left free to bargain as he thought fit. By the latter device, the capitalist hoped to isolate the worker and prevent him from uniting with other workers so as to strengthen his bargaining power against capital. The vital force of capital moulded the mechanics of production, the ideas of society and its class distinctions, as it swept forward in its headlong course.

What were the consequences of this self-expansion of capital? The effect on the worker, the real creator of value, was disastrous. The worker was regarded as 'nothing but labour power', and 'time for education, for intellectual development, for the fulfilment of social functions, for friendly intercourse, for the free play of physical and mental forces, Sunday rest (even though he lives in a Sabbatarian country) — all so much moonshine'. The worker instead of utilizing the raw materials and the instruments of production and directing them by 'his purposive productive activity' for the satisfaction of his several wants, was tied to the mechanism of production and dominated by it. The primary object of the labour process was changed and diverted from its natural course. The object now became 'the self-expansion of capital . . . for creating surplus value. Now, in the twinkling of an eye, the means of production are transformed into means for the absorption of others' labour. Instead of the worker using the means of production, the means of production are using the worker. Instead of being consumed by him as the material elements of his productive activity, they consume him as the ferment of their own vital process; and the life process of capital is simply and solely its movement as self-enlarging value'. The humanity of the worker

was the sacrifice demanded by capital for its own self-aggrandizement.

Capital too was affected. The urge for self-expansion of his money drove the capitalist to exercise greater and greater control over the worker. The capitalist set out to free himself from all manual labour in order to apply himself more strenuously to his function of exploitation. With the extension of capital the gulf between employer and employed widened, the necessity to harshen the treatment of the worker in order to get more from him grew stronger. Despotism and tyranny were essential in a capitalistic society, in a society which 'acclaims gold, its Holy Grail, as the glittering incarnation of its inmost vital principle'.

Two contradictions faced each other in society. Capital was the thesis, Labour its antithesis. What was to be the synthesis evolved from these two opposing forces? Marx argued that capital had completed its cycle of evolution; it was dissolving; the moment for the control of society and the direction of its forces by labour was approaching. Capital had developed the technique of large scale production almost to perfection. When men co-operated to enlarge their capacity to produce, they had to be organized. 'An individual violinist manages his own affairs, an orchestra needs a conductor.' Capital had fulfilled a necessary function in transforming individual labour processes into 'a combined social labour process'. As capital increased its power, the number of workers controlled by one capitalist grew; then the worker's 'power for resistance grew likewise'. The antagonism between the two forces was an antagonism of exploiter and exploited. A class struggle ensued comparable to the struggle of one species against another. The law of nature, the struggle for existence between two opposing species, dominated society. In the act of enforced co-operation the workers not only realized their unity against capital, but developed a social sense. 'When a worker co-operates systematically with other workers, he transcends his individual limitations and develops the capabilities that belong to him as a member of a species.' Co-operation amongst the workers opposed rank individualism amongst the capitalists. What was to be the outcome?

Marx's solution was social control. The workers were realizing that they were caught in a mechanism of production which, though it

forced them into a desirable co-operation for the greater production of commodities to satisfy their wants, was nevertheless 'the outcome of an alien will', directed to the specific purpose of exploiting their labour and their lives. 'For protection against the worm gnawing at their vitals, the workers must put their heads together, and must as a class compel the passing of a law, the erection of an all-powerful social barrier, which will forbid even the workers themselves from entering into a free contract with capital, when by the terms of that contract they and their race are condemned to death or sold into slavery. In place of the pompous catalogue of the "inalienable rights of man", they put forward the modest Magna Charta of a legally limited working day — a charter which shall at length make it clear when the time "which the worker sells is ended, and when his own begins".' The conditions of capitalist industry were such that inevitably they 'evoke a movement to establish a social control, which shall legally restrict the hours of labour, shall regulate and make uniform the working day and its pauses'. In the evolution of society social control followed close upon the heels of capitalism.

But the struggle over the length of the working day was not the only objective of organized labour. Eventually the whole mechanism of production must come under the workers' control. Every way in which capital sought to exploit labour must be checked by controlling the strategic point at which capital had hitherto inserted its mechanism of exploitation. Finally Marx envisaged a time when the same strict organization which existed within industry was transferred to all society, and every branch of industry was so organized as to produce exactly what society required. Instead of leaving the satisfaction of society's wants to the mechanism of competition, a mechanism which enabled capital to exploit labour, Marx suggested social control of all industry as a more reasonable method of achieving that end. By controlling the length of the working day, by subordinating the machine to the worker, by giving over all the means of production into the hands of the worker, labour would not only defeat capital's designs; it would save its soul and the soul of civilization alive. For capital was a parasite preying upon society at every interstice of its being, diverting the aim of the labour process to its own destructive purpose. The conflict between capital and labour was not

merely 'a protracted civil war more or less veiled' between the two great classes which the peculiar mechanism of large scale production had created, it was essentially a struggle between the destructive and constructive forces in society.

Marx regarded this class struggle with a hopeful equanimity. The clash of interests was a law of nature. It was the sustaining force of the universe. The universe evolved through contradiction. 'In the animal kingdom the war of all against all maintains, more or less, the conditions of existence of all species.' As the class struggle intensified the nearer a resolution of the struggle approached. The day of social control and the triumph of labour drew on apace.

How was it that humanity had divided into two types of men classified by Marx as two different species? Marx repeated Hegel's theory of evolution as an explanation of this development. A man changed from being a worker to being a capitalist in the following way. As specialization took place, the small master employed workers under him, but he himself worked too. Then came a point when he wished to free himself from the tie of manual labour in order to concentrate more intensely on the directive side of his work. Though he appeared to be working in reality he was intent only on exploitation. His rejection of manual labour had radically altered his nature. 'Here,' concluded Marx, 'just as in the natural sciences, we find confirmation of the law discovered by Hegel in his *Logic*, that at a certain point what have been purely quantitative changes become qualitative changes.' The man in the twinkling of an eye became a capitalist. But Marx did not explain what had urged the man in the first place to reject manual labour, to turn away from productive work in order to become a parasite. He was content to show that society was in fact divided into exploiter and exploited. The reason for this division remained obscure. Yet Marx continually implied that the capitalist was in some way responsible for his nature, and was culpable as a parasite on society. Marx seemed to have fallen into the same error as had beset Hobbes. He described a natural law and its results, then he attached moral censures to its operation. He seemed indeed to be adopting an attitude to capital and labour comparable to the puritanical and biblical division of the damned and the elect. Some men were arbitrarily created by nature greedy capitalists, seeking

whom they might devour. The rest were as arbitrarily created workers, forced by the natural economic process into a vitalizing and uplifting struggle against capital which would result inevitably in the destruction of the evil and the triumph of the good. Marx vacillated continually between these two concepts. Sometimes he spoke of the conflict between the classes as natural and inevitable; at other times he described the struggle between capital and labour as unnatural, and called upon labour to exert its conscious will to rid society of the blood-sucking vampire, capital, and resolve the social order into an harmoniously functioning organism. He urged upon labour its duty to enforce social control to obviate as soon as possible the destructive force of capital.

The establishment of social control involved Marx in the advocacy of revolutionary methods and internationalism. The struggle between the classes was inherently violent and must reach a violent climax. The contradictions must be extreme before they could be resolved. The gradual achievement of social control was impossible given the nature of capital and the violence and intensity of its urge to self-expansion and its corollary exploitation. The scale of capitalist production was world wide. Industry had long since leaped national boundaries. The organization of labour must be on as vast a scale as its opponent capital. Workers' organization must inevitably be international. Marx himself founded and maintained the first Workers' International organization. Capital in its death throes would use any weapon for protection. The workers must beware of the fermenting of the passion of nationalism by which capital sought to keep them locked up in isolated antagonized groups, weakening their power in the great transcending battle against their masters and their foes. 'Workers of the world, Unite', cried Marx. Like Green, he saw internationalism as essential in the evolution of self-consciousness. But whereas Green transcended national boundaries on behalf of the universal right to life, Marx transcended national boundaries on behalf of the universal duty to work. For in work was life. The labour process was the mechanism of evolution, the means by which mind and self-consciousness evolved in direct conflict with nature. The labour process as it now existed was social not individualistic. The worker had transcended his individual limitations in co-operating

with his fellows. Only in and through the community could he hope for the proper satisfaction of his insatiable wants.

Marx's influence cannot be estimated adequately. The magnitude of the controversies in which he partook during his lifetime are as nothing compared with the fierceness aroused by the experiment in modern Russia of a system of social control for the benefit of the workers. Marx's influence in his own day was great. It is greater today. Its ramifications must be left to the historian of a later date, though something of its effects could be seen immediately in the nineteenth century.

The notions of the importance of the community and the importance of economics gained ground in England and the continent rapidly towards the end of the nineteenth century. The rise of the social democrats of Germany, the communist experiment in France in 1870, the foundation of the Fabian society and the beginning of the formation of a Labour Party separate from the Liberals in England, were symptomatic of the adoption of a point of view where social control of some kind was imperative. It is impossible in so short a study to analyse the varying differences between these groups. There was one point of difference dividing them broadly into two main groups. The theory of evolution was understood in two ways, gradually or cataclysmically. The followers of Marx advocated violent changes and a revolutionary method of procedure. They upheld the right and duty of revolution. The others advocated a piecemeal transformation of society, and in their theory of gradualism denied the assumption of class conflict. The communists and socialists were sharply divided in method and in principle. Their only common factor was their advocacy of social control.

The belief in the mystical value of the community appeared in other directions in the latter half of the century. The lawyers and constitutionalists exercised their minds in discovering the relation between the group activity of such organizations as the trade unions and the churches and the state itself. Did the consciousness of unity proceed from the small unit to the great or vice versa? Was the state sovereign and omnipotent, or were these groups prior to the state and so not ultimately dependent on state sanction for their rights? Gierke in Germany followed by Maitland in England upheld the rights of the

smaller unit. Using the past as their argument, they maintained that the small group arose first with its inherent sense of corporate life, then came the state as a superimposition taking to itself what powers were not already exercised by the small unit. The state developed as an impingement on the small unit. Neither the churches nor the trade unions had been created by the state. Neither had to wait cap in hand for permission from the state to develop in a prescribed groove. The limits of these organizations were not to be determined by the state; they were undefined save by the will of the small group itself. The legal rights of these groups were granted by the state, but their inherent rights which they were continually urging the state to recognize as the occasion arose resulted from their own nature. They were not the creation of the state. The spread of the belief in the power of the community gave rise to new problems, as there was no general acceptance as to which community contained supreme power. The friction at the end of the nineteenth century resolved itself into a clash between groups instead of the previous clash between the state and the individual. Marx formulated the feeling of the end of the nineteenth century when he scornfully remarked that 'we are leaving . . . a paradise of the rights of man'. But the doctrine of social control which developed in contradistinction to rank individualism was not a final solution to the political situation. A new problem arose on its back: the problem of the relation of these several communities, the one with another. Who was to decide ultimately between the rights of trade unions and the state; the rights of the churches and the state; the rights of one state and those of another? Who had power or authority to judge between these independent communities? The illusion of liberty yielded to a doctrine of social control, but no one knew, nor yet knows, what society, what group shall exercise finally this control. The stage was set for the political struggles and developments of the twentieth century.

EPILOGUE

THE historian halts at the gateway of the present. The student of politics must venture in. Can the historian offer any help to the student of politics as he makes his way through the labyrinth of modern politics? A few conclusions can perhaps be profitably drawn from the previous study.

Every idea in the course of its history has passed through definite phases of development. Its usual progress seems to fall into three main stages: first, a formulation of abstract principles vaguely related to circumstances; second, the application of these principles to a given situation and the consequent modification of them; third, the final formulation of the idea in terms of experience, generally in a very complex form. The first stage is the utopian or the wish for what might be, perceived by a few prophetic minds; the second is the pragmatic or experimental stage when by trial and error men find what part of their utopia is applicable to actual circumstances; the third stage is the justification in terms of any and every reason by which men seek to rationalize their actions in an acceptable form. When this stage is completed the idea has become a commonplace. Modern political thought is filled with commonplaces garnered from the past. The ideas of liberty, equality, sovereignty, the state, the citizen himself, his civic rights and many others have all passed through these stages and form the terminology of the present.

But we owe a further debt to the past. It reveals to us the method by which ideals are translated into action or rejected as unsuitable. This method is the core of political life. The struggle in politics is a constant one between the forces of the second stage and those of the third, between those who are struggling for what might be, which is unknown, and those who wish to maintain what is, which is known.

Three factors determine the character of this struggle at any given point in time. The nature of the institutions, which are the foci of irritation for those who wish to gain control in order to assert their beliefs, determines the type and extent of the contest. Thus in the Middle Ages the struggle centred about the exact limitations of the

opposing organizations, the church and the states, whose administrative boundaries impinged upon each other. Then the ideas held at the time on the nature and purpose of man's activities give direction and point to the struggle. Thus in the early christian era the new concept of the end of mankind transcending this life gave a peculiar power to the claims of the church in opposition to the Roman state. Finally as man is but a part of the universe, any change in the notion of the nature of the universe is reflected in political life as it changes the belief about the end and purpose of man's life. Thus the rise of science since the sixteenth century has altered perceptibly the content of political thought and the nature of the state in the last three hundred years.

The student of politics in the modern world then has three points on which to focus his attention in striving to discover the nature and value of the various ideas and platforms which press upon him today. Where are the points of friction within our own modern institutions; where do they overlap and impinge upon each other? What is the accepted belief about man's nature, and is it challenged or debated anywhere? Finally is there a discussion of any magnitude being carried on today as to the nature of the universe?

The answers to these questions can be found in contemporary literature and politics. The present age confronts radical changes in each of these spheres.

Two types of institution have become centres of controversy since 1917; the first is the totalitarian state and the second the international state. The foundation of the U.S.S.R. in 1917 led the way to a rapid extension of state controls first in Russia, and then in Italy and Germany. In the east, Japan had for some time been a noted example of highly centralized autocratic power, but this had had little effect on western habits. The rapid capitulation, however, of Russia and then the central and most imposing states of Europe to a system of total controls between 1917 and 1933, faced European thinkers and statesmen with formidable problems. What were the limits of obedience to this all-embracing state? Over what areas did its claims to sovereignty extend? Were these claims coterminous with nationalism, with race (however that may be defined) or with economic interests? The resistance of minorities, their brutal suppression and

the resulting flood of refugees, made the domestic problem of the limits of political obedience in the totalitarian states an immediate practical and universal issue, not merely for Europe but for America as well where the refugees sought haven after bitter persecution. Political thinkers are constrained by the presence of the totalitarian state in the modern world, whatever its guise, to re-examine the basis of individual liberty both religious and political. The nature of political and religious toleration has become again a burning question, and, for the modern world, a more pressing one than in the sixteenth and seventeenth centuries when the machinery of persecution was neither so all-embracing nor so efficient as today.

Whilst the sovereignty of the totalitarian state challenges the significance of the individual within its boundaries, its far-flung claims to allegiance over all those having a like ideology simultaneously threatens the sovereignty of existing nation-states and the recent tentative efforts to establish international institutions such as the League of Nations and, later, the United Nations Organization. There are thus present in the modern world several institutions vying with each other for power and for the allegiance of potential subjects. These conflicts of loyalty today are major themes informing a whole mass of political and philosophical literature, much of which is concerned with the antagonisms between the democratic and totalitarian states, and the urgent problem of law versus war in international relations. The invention of the atomic bomb as a means of warfare drives home the necessity to think out clearly the relative values of national sovereignty as against international supremacy. What, for instance, are to be the limits of the powers of the states in the proposed Western Union of Europe and where will sovereignty lie in such a body, or, indeed, in any international body? Thus the presence of the totalitarian states and embryonic international institutions are together provoking new lines of thought and action in the twentieth century.

Within the states themselves the rise of the working classes to political power, manifested in such events as the Russian Revolution in 1917 and the return of the Labour Party to power in Britain in 1945, has raised anew the problem of the exact depository of sovereignty within the state. Does it indeed lie with the masses or

does it lie with small highly organized groups, non-representative but self-selected, as leaders of the masses? This question is a recurrent irritant in practical politics in all the leading states of the world today.

Great changes have also occurred in the mental and moral atmosphere of the twentieth century which in several ways distinguishes this century from the previous one. The sciences of psychology and anthropology are rediscovering the nature of man in terms of the subconscious and the primitive. These both emphasize the paramount importance of the environment in the development of human beings; the first showing men as the product of emotional strains and stresses of childhood and adolescence, the second showing men as products of tradition and custom. Both tend to assume an irresponsibility in the individual which is shattering to morality. The loss of individual responsibility in the totalitarian states has enhanced this view of human nature; so that there has grown up in the twentieth century a whole group of thinkers convinced of the depravity of human nature yet of its utter inability to rescue itself, and insisting that the only means of salvation is through a controlled environment. Hence the tendency in all modern totalitarian states and amongst the intelligentsia in several of the democratic states is to stress the necessity to initiate and control all education, all youth movements, and to change the social and economic environments of people, in the hopes that their very nature will be changed, and utopia will arrive by the increase of material wealth. Further results of this new knowledge can be seen in the ways in which the state is having to adjust its treatment of the criminal, its relation with the family, its regulation of marriage and legitimacy, its governance of primitive peoples in its colonies. The power of propaganda used by press and wireless is realized in the light of these discoveries and gives fresh point to the anxieties of Mill and Bentham on behalf of the suppression of the individual by the force of public opinion.

This doctrine of irresponsibility of the individual does not go unchallenged in contemporary thought, but forms the basis of a growing controversy. Many people see in it the foundation stone of dictatorship and so fear it without analysing their fear. But many religious bodies recognize the nature of the problem and are vigorously emphasizing the responsibility of the individual for his actions. Hence

in the twentieth century the conflict between free will and predestination which tore at the roots of political thought in the sixteenth and seventeenth centuries, reappears in its modern and yet as effective form, as the conflict between a large body of christians and all those who maintain that man is helpless in the grip of his subconscious motivation, or of his environment, or of the dialectic of a materialistic philosophy of history. Basically the struggle between the totalitarian and democratic states rests on this difference in their respective concepts of human nature: the former regarding man as an automaton, the product of his environment, and the latter regarding man as a moral being with a destiny transcending that of the state and claiming as rights the freedoms necessary for the achievement of this destiny. It is obvious that this cleavage in concepts of the nature of man does not confine itself to the boundaries of states, but that it is a cleavage apparent within states themselves and that in the twentieth century each community faces within itself an internecine conflict of the first magnitude.

Yet another series of developments during this century have drawn men's attention to the problem of the nature of man and his purpose in life. Since the war of 1914-18 the Christian churches have been stimulated into fresh efforts to check the decline in public and private morals. Ineffective in the beginning as many of these efforts were, yet the intensive persecutions in Europe and the avowed materialism of such powerfully established states as the former Nazi Germany and the U.S.S.R., together put fresh vigour into the religious bodies and drew together into a strangely consorted group all those religions, Christian and non-Christian, which held firmly to a faith in the moral nature of man and his spiritual purpose in life. This facing of a common threat to their basic spiritual assumptions has forced the religious bodies to reconsider the possibility of unity, not merely between all Christian groups, but also between all those religious bodies who deny a materialistic philosophy of life. This movement towards religious unity has been further strengthened by a twofold development: the wide-flung activities of the churches in the missionary fields throughout the world and the increasing study of comparative religions. Both these developments are revealing in practice and in theory the presence of a basic unity in spiritual

consciousness manifested though it be in manifold diversity of form. So within contemporary religious life attention is focused on the purpose of man's life, on the relations between the spiritual and secular spheres, and on the possible resolution of the destructive schisms within Christendom into a harmony so deeply established in true religious toleration that it will overflow and embrace all religions that acknowledge a divine purpose in life. Thus within church and state, the controversy over man's nature re-states itself in modern terms.

Finally the movement within scientific circles to reject the notion of absolutes and to accept that of relativity raises a host of pertinent questions in relation to the nature of the state itself and its claims to absolute supremacy. The uncertainty in scientific circles about the nature of the universe repercusses perceptibly on the notions of society, engendering in many people a feeling of purposelessness and futility emphasized by two world wars of exceptional violence, which effectively cuts off the advanced guard of this age from those who look back to the last century and its belief in the certainty of progress.

But the interaction of these forces and their solution in acceptable form for this generation cannot be dealt with here. The historian can but show how and why in different ages men have been irritated into political activity and have expressed their views on the causes of this irritation and the solutions they would offer. The history of political thought traces in irregular pattern the concern men have had at all times for their varying interests interlocking with their diverse ideals.

BIBLIOGRAPHY

BIBLIOGRAPHY

CHAPTER II

ARISTOTLE. *Politics, Ethics, Rhetoric.* (Trans., Jowett, Oxford.)

E. BARKER. *Greek Political Theory: Political Thought of Plato and Aristotle.* Methuen and Co., London. 1906. *Greek Political Theory: Plato and his Predecessors.* Methuen and Co., London. 1918.

G. LOWES DICKINSON. *The Greek View of Life.* Methuen and Co., London. 7th edition. 1909.

PLATO. *The Republic, The Statesman, The Apology, The Laws.* (Trans., Jowett, Oxford.)

POLYBIUS. *Histories.* (Loeb Classics.)

U. VON WILAMOWITZ-MOELLENDORF. *Aristotees und Athen.* 2 Bde. Berlin. 1893.

A. E. ZIMMERN. *The Greek Commonwealth.* Clarendon Press, Oxford. 5th edition. 1931.

CHAPTER III

F. F. ABBOTT. *History and Description of Roman Political Institutions.* Ginn and Co., Boston. 3rd edition. 1911.

CICERO. *De legibus; De Republica.*

N. M. FUSTEL DE COULANGES. *La Cité Antique.* 1864 and xviii. inc. edition. Paris. 1900.

E. A. FREEMAN. *History of Federal Government.* (Ed. J. B. Bury.) 2nd edition. 1893.

GAIUS. *Institutes.*

A. H. J. GREENIDGE. *Roman Public Life.* (Handbooks of Archaeology and Antiquities.) 1901.

SIR HENRY J. S. MAINE. *Ancient Law.* With an introduction by C. K. Allen. Oxford University Press. (World's Classics.) 1931.

R. SOHM. *Institutes of Roman Law.* (Trans. by J. C. Ledlie, 3rd edition. Clarendon Press, Oxford. 1907.)

CHAPTER IV

AMBROSE. *Opera Omnia etc.* (Ed. Migne.) *Patriologiae.* Vols. xiv-xvii. 1845.

AUGUSTINE. *City of God.*

A. J. and R. W. CARLYLE. *History of Medieval Political Thought in the West.* 1903.

C. H. MCILWAIN. *The Growth of Political Thought.* Macmillan and Co., London. 1932.

E. TROELTSCH. *Social Teaching of the Christian Churches.* Vol. i. (Trans. by O. Wyon, 2 vols.) Allen and Unwin. 1931.

The New Testament. esp. Epistle to the Romans.

CHAPTER V

AQUINAS. *Opera Omnia.* Paris. 1871. *Summa,* vols. i-iv, esp. vols. ii and iii; *De Regimine Principum,* vol. xxvii.

ST. BERNARD. *De Consideratione* in *Goldast Monarchia.* Vol. ii.

and the establishment of republics, caused great excitement in England. The execution of Louis XVI sent a thrill of horror through England and silenced the Whigs, even Fox considering it an act of cruelty and injustice. As a result all attempts at reform in England were silenced. The aristocratic leaders, fearing that republican ideas would take root, repressed every proposal to extend the franchise or otherwise to reform parliament. Fearing a revolution, parliament passed laws against foreigners, checked freedom of discussion, and severely punished those who protested against the laws.

At the same time, the economic changes which were creating industrial cities and a new manufacturing class were in the long run opposed to the conservative attitude and to the dominance of the landed nobility. While the manufacturers were not philosophic doctrinaires and had no use for the anarchism of Godwin and Shelley, they were intolerant of the old régime and the clumsy legal system that Blackstone had praised. They desired freedom of trade and the removal of legal interference. Their desire for political liberty was the result of their commercial doctrine of *laissez faire*. This point of view was represented in the doctrines of English Utilitarianism and found its full development in the creed of the Manchester School and in the reform movements of the middle nineteenth century.

REFERENCES

BARKER, Ernest, *Essays on Government* (Oxford, Clarendon Press, 1945), Chap. 7.

BECKER, C. L., *The Declaration of Independence* (New York, Knopf, 1942).

BEST, M. A., *Thomas Paine, Prophet and Martyr of Democracy* (New York, Harcourt, 1927).

BRAILSFORD, H. N., *Shelley, Godwin, and Their Circle* (New York, Holt, n. d.).

BURNS, C. D., *Political Ideals* (London, Oxford Univ. Press, 1936), Chap. 7.

COBBAN, Alfred, *Edmund Burke and the Revolt against the Eighteenth Century* (London, G. Allen, 1929), Chaps. 1-4.

HEARNSHAW, F. J. C., ed., *The Social and Political Ideas of Some Representative Thinkers of the Revolutionary Age* (New York, Barnes & Noble, 1950).

JELLINEK, Georg, *The Declaration of the Rights of Man and Citizens*, trans. by Max Farrand (New York, Holt, 1901).

LASKI, H. J., *Political Thought in England from Locke to Bentham* (New York, Holt, 1920), Chap. 6.

MCILWAIN, C. H., *The American Revolution* (New York, Macmillan, 1923).

MERRIAM, C. E., "Thomas Paine's Political Theories," *Political Science Quarterly*, Vol. 14 (1899).

OSBORN, A. M., *Rousseau and Burke* (London, Oxford Univ. Press, 1940).

SABINE, G. H., *A History of Political Theory*, rev. ed. (New York, Holt, 1950), pp. 607-619.

WOODWARD, W. E., *Tom Paine: America's Godfather* (New York, Dutton, 1945).

CHAPTER XX

The English Utilitarians

Utilitarian political philosophy was based upon the English tradition in psychology as worked out by Locke and Hume. Its beginnings appeared in the seventeenth century in the writings of Richard Cumberland (1632-1719),[1] who denied the rationalist doctrine of innate moral ideas and who regarded general welfare as the highest good. The formula of "the greatest happiness of the greatest number" was first used by Francis Hutcheson (1694-1747).[2]

The Basic Doctrine

The first proposition of Utilitarianism, to present the doctrine in outline form, is that "there is a science of the mind." [3] The mind is at first composed of scattered sensations drawn from the environment in which it finds itself. The sensations are soon grouped, however, by a simple law —the law of attraction. Two similar sensations, having previously appeared together, will tend to reappear associated. A baby, to illustrate, will associate its mother with a sense of security. In its mind the two go together, and the presence of one will recall the other. Commonly, to go on, these grouped sensations can be characterized as agreeable or painful. Those that are agreeable become the objects of our desires; those that are painful, the objects of our aversions. All men consequently seek pleasure and avoid pain, and from this results the whole mechanism of our moral life. Truth and morality in fact have no other meaning. A thing is "true" or good if it promotes happiness.

Turning to the legal aspects of Utilitarianism, all men want to be

[1] In his *De Legibus Naturae* (1672).

[2] See his *System of Moral Philosophy* (1755).

[3] The following analysis of Utilitarian philosophy follows closely the outstanding work in this field of Elie Halévy. See *The Growth of Philosophic Radicalism* (1928), pp. 486 ff.

happy, but the means various individuals employ to promote happiness are often contradictory. "Two individuals who both wish to live from the product of their labor may dispute the ownership of the same piece of land." [4] One, the lawful owner, wishes to enjoy his land in peace. The other wishes to find happiness through usurping another's property. In this case the greatest happiness (and consequently the greatest good) results from upholding the established property holder [5] by threatening the usurper with the infliction of a pain which will equal the intensity of the pleasure for which he hoped. This can best be done by the government through its legislators. They determine that certain actions are harmful to public happiness and constitute these actions as crimes, providing appropriate punishments. Legislation is thus a science of intimidation and the general utility (happiness) is its justification.[6] Granted that human nature is about the same in all men, classes of crimes can be established and these can be codified into written laws by the legislator. Through these codes of law the legislator creates in effect a moral order based on a balance of pleasures and pains. Society thus becomes the work of his artifices.

It should be observed that in the legal part of this philosophy the Utilitarians adopted the principle of artificial identification of interests. This means that the legislator (or government) must interfere in the lives of the people to artificially reconcile their interests. The government must take positive actions to promote happiness as it has done in the United States during recent years. In its economic aspects, however, Utilitarianism adopted a contradictory principle—the principle of natural harmony of interests. It occurred to these social philosophers when they considered economic phenomena that happiness might be better promoted by allowing nature to take its course. If the legislator refrained from interfering in economic matters, a natural order would arise spontaneously based on two fundamental laws—division of labor and the automatic mechanism of exchange. These would promote a natural harmony of interests which would excel anything artificially created by

[4] *Ibid.*, p. 487.

[5] The reason that this course of action promotes the general happiness, rather than the opposite course, is built around what Bentham called "the feeling of expectation." The established owner would expect to enjoy his property and would be extremely disappointed and unhappy were he not allowed to do so. The usurper would have no such feelings involved. To avoid this disappointment and unhappiness on the part of the owner, the general utility requires, therefore, that property be upheld. It can be observed that in this part of their philosophy the Utilitarians were not as scientific as they pretended to be. By giving such importance to the feeling of expectation in regard to property, they weighted their system in favor of the propertied classes. They might with equal science have given the property to the most hungry of the two men.

[6] Halévy, *op. cit.*, p. 487.

government. From this beginning, David Ricardo and others worked out the theories of English classical economics.

Politically, this doctrine proved an invaluable aid to democracy. On the basis of its suppositions, democracy was undeniable. Its first supposition was that all individuals are perfectly egoistical. Its second was that the greatest happiness of the greatest number ought to be the goal of any government. Granting this, it followed that "an absolute ruler is the least safe of all masters: for being, on this hypothesis, absolutely free to do what he wishes, he will follow his own interest and not the interest of the greatest number." [7] A democratic majority, on the contrary, is the best of all masters: "for since each individual is the best judge of his interests, it is the majority of individuals which will be able to estimate the interests of the greatest number." [8]

Some Further Comments

Utilitarianism was thus closely associated with psychology, with law, with economics, and with politics. It taught, to highlight significant points, that each individual is largely determined by the social environment within which he lives. It held that men are moved chiefly by the desire to obtain happiness and to avoid pain, that the happiness of each individual involves relations with other persons; hence that it is necessary for limitations to be set upon the freedom of all by legislation. In the field of economics, however, it held that such legislation is not necessary because of the operation of a providential order. And in politics it taught that only through democracy can the greatest happiness of the greatest number be realized.

Utilitarianism, more practical than competing philosophies, taught also, as the term itself implies, that actions must be judged by their results or by their usefulness. In this sense Utilitarianism was revolutionary. It had no more respect for the old and traditional, worshipped by Burke, than it had for the theory of natural rights and social contract. It viewed the state neither as a mystical social organism nor as an association created to guard the natural rights of its citizens.

The state existed because it was necessary. Its duty was to promote general welfare. If its laws failed to accomplish this end, they should be changed. Utilitarianism had no use for vague phrases or abstract principles. It was concerned with the actual experiences and difficulties of living human beings.[9]

[7] *Ibid.*, p. 491.
[8] *Ibid.*
[9] See Graham Wallas, *The Life of Francis Place*, 3rd ed. (1919).

The Utilitarian point of view in political theory represented a rational and practical interest in the welfare of mankind, combined with the belief that it was possible to improve the conditions of human life through state legislation. The Utilitarians were not abstract philosophers standing aloof from the world; they kept in close touch with concrete problems. The leaders of the movement were active in public life. The reform of the legal and penal systems, the improvement of conditions in factories and mines, and the reform of parliamentary suffrage and representation were largely due to their efforts. The reform of the Poor Law, the repeal of the Corn Laws, the gradual adoption of universal suffrage were based on the principles of the Utilitarian philosophy. The Utilitarians opposed tyranny and injustice, and championed individual freedom, believing in the possibility of human progress. They were concerned primarily with the problem of the activities of the state in its relation to its individual members, only secondarily with the question of the proper organization of the state and the location of sovereignty within it.

The political theory of Utilitarianism was developed in the writings of Jeremy Bentham and James Mill. In the work of John Stuart Mill it went through a decided transformation. The historian, Grote, and the psychologist, Alexander Bain, adopted its fundamental arguments. On the side of jurisprudence, John Austin developed the Utilitarian principles; Ricardo upheld them in political economy. The doctrines were applied in practical politics through the work of such men as Romilly, Brougham, Hobhouse, and Cobbett, and in the demand for free trade, by Cobden and Bright.

Bentham

The intellectual leader of English Utilitarianism was Jeremy Bentham (1748-1832), whose active interest in public affairs covered the period from the American Revolution to the Reform Bill of 1832. The young Bentham scorned the education he received at unreformed Oxford, but had an instinctive interest in science and a marked talent for introspective psychology. From his youth he showed a passionate devotion to social welfare, identifying himself, in imagination, with the hero in Fénelon's *Télémaque*, and determining to apply to the social sciences the methods that were being worked out in the natural sciences. At the age of twenty-three he read Priestley's *Essay on Government*, and was impressed by the statement that the happiness of the majority of its members is the standard by which a state should be judged. Following Helvetius and Beccaria, Bentham believed that happiness consisted in the presence of pleasure and the absence of pain. Institutions, therefore, should be so contrived that social conduct was conducive to the greatest happiness.

In his most comprehensive political work,[10] Bentham worked out this psychology in its application to morals and law, holding that mankind's "two sovereign masters, pain and pleasure" pointed out what ought to be done and determined what actually was done. He held that all human instincts are equally natural, and that they are good or bad depending upon their results. The "principle of utility" approved or disapproved of actions in accordance with their tendency to promote or to oppose happiness. Bentham believed that men have no duties to abstractions, such as states, churches, or parties, but only to other human beings who are capable of feeling pleasure and pain.

Trained in the law, Bentham was much interested in the theory of jurisprudence and in the problem of the ends aimed at by legislation. As a student he had rebelled against the lectures of Blackstone; and when Blackstone's lectures were published, he replied in a scathing criticism.[11] He bitterly attacked Blackstone's pompous generalizations concerning the glories of the English constitution and the English law and his sentimental optimism concerning conditions in England, and he completely demolished Blackstone's theory that the original source of law was found in a social contract. The Tories praised the English law as a natural growth in accordance with divine providence; Bentham attacked it as a tyrannical and elaborate mechanism by which the powerful kept down the ignorant and oppressed. Bentham denied every form of the contract theory, arguing that the state was based, not upon consent, but upon the habit of obedience. It existed because of its obvious utility. This doctrine left no room for the mystical theory of the state as a super-person, held by the idealists and the reactionaries.

Bentham denied the existence of natural law, holding that law is the expression of the sovereign will of a political society in the form of a command. Against this authority individuals possessed no natural rights; nor had they any legal right to resist it. A right, he taught, implied a correlative duty and the existence of an authority that was able to enforce rights by imposing penalties in case of violation. The extent to which the sovereign saw fit to exercise its unlimited legal authority would be determined by expediency and utility. The right to resist the supreme power could be only a moral right, but might become a moral duty in case the benefit to be secured was greater than the evil of revolution. The development of this phase of the Utilitarian philosophy, in separating jurisprudence from the historical and ethical foundations of political society, was carried on by John Austin.

[10] The *Introduction to Morals and Legislation* (1789).

[11] The *Fragment on Government* (1776), published anonymously. This short work contains the clearest and simplest expression of Bentham's ideas.

The English constitution Bentham considered far from perfect; he urged especially the need for universal manhood suffrage, annual parliaments, and vote by ballot. Bentham came gradually to realize that the implications of his doctrine of the greatest good of the greatest number led in the direction of democracy and radical reform. He opposed the House of Lords and the king, and believed that the best form of government was a republic with a single legislative chamber. He was in thorough sympathy with the democratic spirit of the American and French revolutions, but not with the natural-law philosophy upon which it was based.[12] He strenuously opposed the doctrine of natural and inalienable rights, which he called "rhetorical nonsense upon stilts." He held that men possess such rights as are given them or allowed them by law, and that the test of proper law is the degree in which it conduces to the greatest happiness of the greatest number. The practical legislative reforms urged by Bentham were numerous, and aimed, among other things, at public education, public health, reform of the Poor Laws, and reform of the civil service.

In his economic theory, Bentham was an ardent follower of Adam Smith, dissenting however at several points. He agreed that the government should interfere as little as possible with the law of supply and demand,[13] and was a staunch supporter of free trade. He praised the value of unrestricted competition and contended against monopolies and bounties. He had no sympathy with the imperial ideal, believing that the possession of colonies was not essential to carrying on trade with them, and that capital invested in such trade might be applied equally well elsewhere.[14] He agreed that British control in some cases was for the best interests of mankind, but denied that colonies could be a source of wealth to the home country. In 1828 Bentham drafted a petition for the Canadians, asking for complete separation. In general, the Utilitarians would have seen the colonies go without compunction. Nevertheless, in his later years, Bentham turned rather to the idea of colonial self-government within the empire. Through the Mills he became interested in India, and contributed to the working out of a system of legal and judicial institutions for that empire. He also prepared a draft for the scientific settlement and self-government of the Australian colonies.

Bentham's interest in practical social reform as a means of increasing human happiness led him to devote the major part of his attention to

[12] Bentham opposed natural-law theories in his political and legal philosophy, but accepted these theories in his economic philosophy. See immediately below.

[13] In opposition to Adam Smith, Bentham held that the government should not even legislate against usury. See his *Defense of Usury* (1787).

[14] See *Emancipate your Colonies* (1793).

the problems of legislation and punishment.[15] He criticized existing laws and the machinery and methods of executing them and proposed detailed schemes of his own. Most of the law reforms since Bentham's day can be traced to his influence. He also laid down principles of value regarding international law. He attacked the chaotic system of the English law of his day and placed great emphasis on the need of simplification in phraseology and procedure, and on the value of codification. The English system of allowing country gentlemen to be administrators of justice he especially condemned.

The injustice and severity of punishment provided in the criminal law, and the system of prison administration, Bentham considered intolerable. He held that the end of punishment was the prevention of crime, that it should be proportioned to the offense, and that the reform of the criminal should also be aimed at. Certainty and impartiality in enforcement he considered essential. He attacked conditions in the English prisons and was in thorough sympathy with Howard's efforts at prison reform. He urged a system of education and of useful labor for criminals and gave years of effort to induce parliament to adopt his scheme of housing criminals in a wheel-shaped building, or *Panopticon*, in which the governor, from his lodge in the center, could keep the lives and actions of all the inhabitants under his observation. Partial efforts to apply Bentham's plans were made outside Great Britain, and the reform of prisons and the institution of reformatories and industrial schools derived its impulse largely from his principles.

Bentham's influence early spread abroad. He was actively interested in the French Revolution, and his writings on legislation were translated into French in 1802 by Étienne Dumont, secretary to Mirabeau. The procedure of the French Assembly was based largely on a sketch by Bentham; many of his political and legal proposals were put forward in the speeches of Mirabeau; and in 1792 Bentham, with Paine, was made a "citizen of France." Bentham's doctrines were widespread in Russia, Portugal, Spain, and parts of South America, and his ideas were used by the leaders of the national movements that defeated the Holy Alliance and created new nations on the ruins of the Spanish and Turkish empires.

Bentham contributed, sometimes on request, sometimes as a volunteer, to the revision of the legal codes of many countries. In 1811 he made a formal proposal to President Madison to draw up a scientific code of law for the United States. Later he made a similar offer to the czar of Russia

[15] See his *Discourse on Civil and Penal Legislation* (1802); *Theory of Punishments and Rewards* (1811); *Treatise on Judicial Evidence* (1813); and his *Constitutional Code* (part published, 1830; finally published, 1841).

and to the governor of Pennsylvania; and in 1822 he appealed to "all nations professing liberal opinions." His confidence in his ability to create a system of laws guaranteed to promote the greatest good of the greatest number was unbounded.

Bentham's early writings were clear and terse; his later works were over-elaborated and were loaded with clumsy, technical terms largely of his own coining.[16] Some of these terms, however, such as "international," "utilitarian," "codification," and "minimize," have permanently enriched the English language.

James Mill

The most vigorous disciple of Bentham was James Mill (1773-1836),[17] who applied to the Utilitarian principles the strong support of the associationist psychology.[18] Mill agreed with Bentham that the distinction between moral and immoral acts lies in their utility, and that it is the function of law to bring the pressure of the community to bear in order to secure the performance of acts conducive to general happiness and to prevent those that destroy happiness. He also shared Bentham's belief in the fundamental importance of education, practically adopting the principle of Helvetius that men are born with an equal capacity for improvement and that inequalities result from differences in environment and education.

Mill was tireless in urging representative government and freedom of discussion as essential to proper political life. Believing that every man, in seeking his own happiness, tended to encroach upon others, he held that government was necessary to prevent such encroachment. At the same time, it was desirable to prevent the government itself from unduly expanding its power. This could be best accomplished by placing chief authority in the body that best represented the community as a whole. Mill had great confidence in the middle class and disagreed with those who valued the British system because of its balance of power among monarchic, aristocratic, and democratic elements. He argued that mutual interest led king and Lords to combine against the Commons. He held that the Commons must be powerful enough to counterbalance both Lords and king, and proposed an arrangement almost identical with the

[16] The tendency to coin words, usually from Greek roots, was characteristic of the period. Compare the course of study prepared by Jefferson for the University of Virginia.

[17] James Mill's political ideas appeared in numerous essays, especially those on *Government, Jurisprudence,* and *Laws of Nations* in the supplement to the fifth edition of the *Encyclopedia Britannica.*

[18] In his *Analysis of the Phenomena of the Human Mind* (1829), and his *Fragment on Mackintosh* (1835).

Lords' Veto Bill of 1911. In order to keep the representatives in touch with their constituents, short terms were considered desirable; and manhood suffrage for those above the age of forty was urged. Mill's writings were widely read and exerted a considerable influence on the events leading to the Reform Bill of 1832.

Mill shared Bentham's enthusiasm for law and legal reform, but made little advance beyond him. He discussed jurisprudence under the heads of definition of rights, punishment for wrongs, constitution of tribunals, and mode of procedure in tribunals. In his discussion of international law, he pointed out the lack of any authority with power of final decision in controversies among nations. He held that the sanction of international law was public sentiment, and that not even the most powerful nation could afford to ignore its pressure, especially if the nation were democratic. Mill urged, however, the creation of a code of international law and the establishment of an international judicial tribunal. He believed that if such a body, properly representing the nations, gave an impartial decision, the pressure of public opinion would compel obedience. To strengthen public sentiment, he urged that the study of international questions should be made a part of every man's education.

Austin

The combination of general Utilitarian principles with positivism in jurisprudence was the work of John Austin (1790-1859).[19] Austin wished to give clearness and precision to the confused mass of English law that Bentham had criticized. For this purpose a definite theory of legislation and of sovereignty was necessary. Utilitarianism furnished the ethical basis for legislation. Conditions in England were favorable to a legal theory of sovereignty, since the supremacy of parliament, unrestrained by royal veto or by constitutional limitations, was unquestioned. Moreover, sovereignty could be discussed in nineteenth century England apart from the controversy between king and people that had led Bodin to place absolute power in royal hands and Rousseau to vest in it the community as a whole.

Austin studied in Germany, but disliked the metaphysical political theory of the German idealists. He was, however, influenced by the German jurists, especially Gustav von Hugo,[20] from whom he drew his term "philosophy of positive law." Austin's method, like that of Hobbes, was logical and formal, placing much emphasis on clear definition, fine

[19] In *Lectures on Jurisprudence* (1832); *A Plea for the Constitution* (1859); *On the Study of Jurisprudence* (1863).

[20] *Lehrbuch des Naturrechts als einer Philosophie des positiven Rechts* (1798).

distinctions in the use of terms, and close deductive reasoning. He separated the theory of sovereignty from its ethical and historical background, and by a process of abstraction built up the science of positive law. He assumed the sovereign authority of the state as the source of law, which he analyzed and classified, regardless of the influences which led the sovereign to create or approve it.

Austin rejected the social contract, holding that the state was the result of a slow process of growth in which men came to a realization of the utility of government and preferred obedience to anarchy. Men are bound together in political society, not by formal consent, but by the habit of obedience. The person or persons who habitually receive obedience from the bulk of the people in any society, but who render no obedience to any superior, is the sovereign. The sovereign and the state Austin considered identical. Sovereignty was thus vested, not in the king, nor in the whole people, but in a determinate part of the people who actually exercised supreme governing power. The authority of the sovereign was legally absolute, since supreme lawmaking power could not be limited by any higher law. The sovereign was the source of all legal rights, and the creator and guarantor of all civil liberty.

For the doctrine of natural rights Austin had great contempt. He insisted that all rights are created by law and that political restraint is as important as civil liberty. While a radical in law reform, Austin was essentially conservative. He disliked extreme democracy and opposed parliamentary reform in 1859. He denied that government rests upon the consent of the governed, arguing that only a small proportion of highly enlightened men give conscious attention to such questions, the majority of persons supporting authority and obeying law through habit and sentiment.

Austin defined law as a command given by a superior to an inferior, binding by reason of the power of the superior to enforce penalties. Commands issued by a political superior, that is, by the sovereign in a state, are *positive* law, or law proper; all other human commands, set by indeterminate or non-sovereign superiors, are positive morality. Within this latter class would fall custom, laws of fashion and of honor, the mass of understandings and conventions that form international law, and the principles and precedents of constitutional law. International law is not positive law, since there is no sovereign power to enforce it; constitutional law is not positive law, since no legal authority can establish the rules by which the sovereign itself was created. For reasons of convenience, Austin admitted that a large part of constitutional law must be treated as if it were a part of the *corpus juris*. The sovereign cannot

possess legal rights or be bound by legal obligations, since there is no higher authority to enforce them.

The legal rules to which habitual obedience is given might be statutes created by the sovereign will, court decisions created by the sovereign's agents, or customs permitted by the sovereign, but which it might at any time supersede. To these the principle that "what the sovereign permits, it commands" was applied. Austin drew a sharp line between law and custom; custom was not law until the sovereign formally or tacitly assented. Jurisprudence and ethics were carefully separated. Jurisprudence was limited to the field of positive law. Austin realized that many forces were actually operative in social life, determining the actions of men; and that only in the abstract field of positive law was his theory of sovereignty tenable.

Austin insisted that sovereignty must be unlimited and indivisible, in contrast to Bentham, who held that sovereignty in federal states and in confederations is limited by expressed agreements. Austin said that political associations held together in governmental union are either confederations, in which each member is sovereign, or composite states, in which a determinate body in the union possesses sovereignty. Austin disagreed with the prevalent American theory of divided sovereignty and considered the United States a composite state with sovereignty residing in the voters that chose the state legislatures.

Austin's ideas did not receive approval from the jurists of his day. Not until later was the value of his contribution to political theory realized. On the continent he exerted practically no immediate influence.[21] His relegation of the principles of constitutional and international law to the field of political morality was bitterly opposed, and his theory of sovereignty was criticized, especially by the historical school of jurisprudence, as being too rigid and formal and as not applicable to all political societies.

John Stuart Mill

By the middle of the nineteenth century Utilitarian liberalism was generally accepted in England. The democratic efforts of the earlier Utilitarians had been largely successful, and political power had been extended to a considerable proportion of the population. Many of the old evils and inequalities had been removed. In this process some of the

[21] In the United States Calhoun followed the analytical-legal method, and a modified form of analytical political theory appeared in W. W. Willoughby's *The Nature of the State* (1896).

dangers of democracy became apparent, and the tendency toward state centralization led political theory to give attention to the scope of state activities and to the liberty of the individual. The leader in the intellectual life of the period was John Stuart Mill (1806-1873).[22]

In his youth Mill was an energetic supporter of Bentham's doctrines and of radical politics. In his later years he took a wider and more sympathetic attitude, realized the importance of the emotions as well as that of the intellect, and modified the somewhat narrow and rigid principles of Utilitarianism and its confidence in democratic reform. To Bentham and James Mill, one form of happiness was as good as another. Pleasures differed in quantity only. John Stuart Mill drew a distinction between different kinds of pleasure, considering some as higher, others as lower. He said that "it is better to be Socrates dissatisfied than a fool satisfied." Mill rebelled against the selfish idea of each individual devoting himself to a deliberate attempt to secure his own happiness, and pointed out that directly aiming at pleasure may fail to secure it. He realized more clearly than his predecessors the essentially social nature of morality and the fact that justice and altruism were its chief supports. Mill, therefore, laid stress upon the idea that every individual should aim to promote the general happiness. Social well-being was the end of government; the fostering of virtue and intelligence was the test of its success.

In his general attitude toward the nature and method of the social sciences, Mill was much influenced by the French positivists, especially by August Comte's philosophy of history and interest in creating a science of society. Mill, however, was more interested in the individual, and less in society in general, than Comte. He realized the complexity of social phenomena and pointed out the errors of reasoning into which politicians were most likely to fall. The first was the tendency to argue that a policy which worked successfully in one country should be adopted by another, without considering differences in conditions which would prevent similar results. The other was the failure to take into consideration the fact that conditions are constantly changing. While Mill admitted the impossibility of scientific prediction in the field of politics, he believed that the study of history, combined with a knowledge of human nature and a careful analysis of political phenomena, would result in a gauging of tendencies of great value to legislators and statesmen. Mill was an ardent believer in the possibility of hastening progress through intelligent human effort. Influenced no doubt by the speculations of

[22] Especially his *On Liberty* (1859); *Considerations on Representative Government* (1860). See also *Thoughts on Parliamentary Reform* (1859); *Utilitarianism* (1863); and *The Subjection of Women* (1869).

H. T. Buckle,[23] which had just appeared, he recommended especially the use of statistics. Buckle hoped to make the science of human society as certain as the physical sciences, and urged the collection and interpretation of data in accordance with the methods of natural science. His belief that government was a blundering enemy of progress also strengthened Mill's individualistic point of view.

Mill's attitude toward political questions was distinctly practical. He was interested as much in social reform as in political speculation. His sense of justice was early stirred by the social and legal disabilities of women. In the mid-Victorian period women were excluded from higher education, from most occupations that offered any opportunity for a career, and from public life. In their legal status, moreover, they were decidedly inferior. Mill argued that woman's nature was the result of centuries of "subjection" and lack of opportunity. He was eager to "emancipate" women, and was the first to plead their cause in parliament. He believed that if women were given equal opportunities with men the result would be beneficial to women, since freedom alone gives happiness, and valuable to the community in general, since society would benefit from the contributions made by the mental capacities characteristic of women. The higher education of women, the increased opportunities open to their talents, and the extension to them of the franchise and of eligibility to public office were largely aided by his arguments and his efforts.

In his attitude toward the laboring classes, Mill at first urged education and a greater degree of independence. Later he approved of trade unions and of voluntary coöperation between capital and labor. He believed in private property, but urged the mitigation of inequalities, especially those resulting from the ownership of land. At the same time, Mill was fearful of governmental interference in economic questions. He believed that state control should be restricted to the narrowest limit, and that the government should intervene only when the interests of the community as a whole made it necessary. In his later years, however, his confidence in ultimate improvement led him to look forward to the socialistic ideal when there might be "a common ownership in the raw material of the globe, and an equal participation of all in the benefits of combined labor."[24] Mill showed a strong adherence to the *laissez-faire* principles of the past. At the same time he recognized the evils that had developed under them and the insufficiency of individual effort to effect a cure. Adam Smith's belief in natural law made his application of *laissez faire* absolute; Mill's principle of utility justified him in making important exceptions when demanded by social welfare.

[23] In his *History of Civilization in England* (1857-1861).

[24] See his *Autobiography* (1873), pp. 230-234.

Mill supported democracy as the best form of government, on the grounds that any work is done best by those whose interests are immediately involved, and that active political life develops the moral and intellectual faculties of those taking part. He agreed with Austin that there must be a single, supreme depository of political power, and that such power in England was vested in the British parliament. The proper function of such a body, however, was not active legislation or interference in administration, but a general policy of control and criticism.

At the same time, Mill feared that the growth of democracy and the expanding legislative powers of the state tended to reduce individuals to a common type and to swamp them in the tyranny of collectivism. He believed that social progress depended upon giving to each individual the fullest opportunity for free development. Accordingly, Mill favored freedom of thought, speech, and action. He believed in toleration of opinions and unhampered freedom of discussion. He had confidence that truth would survive in the struggle of ideas. Arguments put forward by Milton, Sydney, and Humboldt were restated from the Utilitarian point of view. Mill argued that individuals and associations should be left unmolested unless their actions seriously interfered with the interests and rights of others. He laid stress upon the value of originality and the social benefits resulting from a variety of ideas and actions. He even opposed state education on the ground that it was a "contrivance for molding people to be exactly like one another."

Mill was especially disturbed by the danger in a democracy that the majority will tyrannize over the minority. He believed that minorities were insufficiently represented in the British parliament. He therefore supported the system of proportional representation, first proposed in England by Thomas Hare,[25] in order that the distribution of parliamentary seats might correspond more closely to the votes cast by the party groups. Mill also emphasized the importance of trained leaders in politics, and feared that the extension of the franchise would lead to a deterioration in the quality of public officials. Hence, while favoring universal suffrage for all taxpayers, he advocated plurality of votes for those citizens that were distinguished by superior intellect and high character. Besides drawing up a classification of citizens, he proposed that voluntary examination should be open to any citizen in order that he might prove his intelligence. Mill opposed payment to members of parliament, in the interest of purity of government, and opposed the secret ballot, on the grounds that it tended to selfish and irresponsible voting. He believed that final legislative authority should rest with the

[25] In his *On the Election of Representatives* (1859).

House of Commons, but suggested that the House of Lords, containing men of legal ability, should be entrusted with the power to draft the bills that came before parliament.

In spite of the narrowness and materialism of its ethics, and the formalism and abstractness of its theory of sovereignty and law, that led later writers to seek for a political sovereign behind the legal sovereign of Austin, the Utilitarian theory was valuable, both in the field of practical politics and in political philosophy. Many of the most needed reforms of the nineteenth century are traceable directly to its influence. The simplicity and definiteness of its political terms and its interest in the concrete realities of political life were a refreshing contrast to the vague generalities of the natural-rights philosophy, and to the metaphysical concepts of the idealists. And its emphasis on the individual and on liberty served as a counterbalance to the growth of communism and to the glorification of the state as the highest form of person, beyond all restraints of morality and law.

REFERENCES

ADAMS, K. M., "How the Benthamites Became Democrats," *Journal of Social Philosophy and Jurisprudence*, Vol. 7 (January, 1942).

ASHTON, T. S., *The Industrial Revolution, 1760-1830* (London, Oxford Univ. Press, 1948).

DEWEY, John, "Austin's Theory of Sovereignty," *Political Science Quarterly*, Vol. 9 (1894).

HALÉVY, Elie, *The Growth of Philosophic Radicalism*, trans. by Mary Morris (New York, Macmillan, 1928).

HOLLOND, H. H., "Jeremy Bentham," *Cambridge Law Journal*, Vol. 10 (1948).

KEETON, G. W. and SCHWARZENBERGER, Georg, eds., *Jeremy Bentham and the Law* (London, Stevens, 1948).

LEVI, A. W., *A Study in the Social Philosophy of John Stuart Mill* (Chicago, Univ. of Chicago Press, 1940).

PLAMENATZ, John, *Mill's Utilitarianism* (Oxford, Blackwell, 1949).

SABINE, G. H., *A History of Political Theory*, rev. ed. (New York, Holt, 1950), Chaps. 31-32.

VINER, Jacob, "Bentham and J. S. Mill: The Utilitarian Background," *American Economic Review*, Vol. 39 (March, 1949).

WALLAS, Graham, *The Life of Francis Place*, 3rd ed. (New York, Knopf, 1919).

———, *Men and Ideas* (London, G. Allen, 1940), pp. 19-48.

CHAPTER XXI

Political Theory of Constitutional Democracy

Democracy and the Demand for Written Constitutions

In spite of the efforts of the reactionaries at the Congress of Vienna to restore Europe to its former condition, most of the ideas of the French Revolution survived. Chief among these was the confidence in written constitutions and in representative institutions. Besides, the Napoleonic wars had given a stimulus to national unity and autonomy. The overthrow of Napoleon had been accomplished partly as a result of popular uprisings, and rulers had made repeated appeals to national patriotism and had promised constitutional liberties. The attitude of the Congress of Vienna was a bitter disappointment to European liberals, and the failure of the monarchs to keep their promises soon led to popular demonstrations and to the formation of secret revolutionary societies. As a result, the greater part of the nineteenth century in Europe was occupied with revolutions and with wars which had for their general purpose the creation of national states, in accordance with the ethnic and geographic divisions of Europe, and the establishment of constitutional governments within these states.

In the twenties, popular uprisings secured the beginnings of constitutional government in Italy, Spain, and Portugal; and the Greeks won national independence from Turkey. In 1830 the Bourbon king was again driven from the French throne, the Poles attempted unsuccessfully to break away from Russia, and the unnatural union of Belgium and Holland was destroyed. In 1848 all central Europe was in turmoil. France changed rapidly from a limited monarchy to a republic, then to an empire. The German people tried hard but in vain to secure union and

liberal government. In the third quarter of the century, international wars hastened the unification of Germany and Italy and the independence of the Balkan peoples. Nationality and constitutional democracy were the disturbing factors in nineteenth century European politics.

A liberal party in each state desired a written document in which there should be some guarantee of individual rights and some provision for a deliberative assembly that represented the mass of the population. Belief in the value of a separation of the powers of executive, legislative, and judicial organs was also widespread. The anarchy of the French Republic served as a warning against too radical change, and there was little demand for republican government. What was desired was an adjustment of powers between the monarch and the peoples' representatives that would prevent tyranny. The demand for a definite statement of constitutional principles was given an impetus by the general confusion following the overthrow of Napoleon's empire, and by the necessity of reorganizing the system of government under the restored monarchs. In many cases constitutions were issued by the rulers in response to popular demand or through fear of revolution. In some instances constitutions resulted from a formal agreement between the monarchs and the estates-general. Occasionally revolutionary bodies took the creation of constitutions into their own hands. Austria, Prussia, and Russia offered the strongest resistance to the movement; but by 1880 practically every state in Europe except Russia and Turkey had made some provision for a definite constitutional system and for the extension of a share in government to a considerable part of its population.

These constitutions showed wide variations, but the political theory upon which they were based centered in the controversy over the position of the monarch in the new system, especially over his power to change the constitution, and his share in legislation. The monarchs and the conservative lawyers that supported them maintained that the king could modify or set aside constitutional provisions which he had created. Revolution was frequently invoked before the theory was accepted that the consent of the legislature as well as of the crown was necessary for constitutional revision.

The monarchs also claimed the residuary power of lawmaking, holding that the peoples' assemblies merely deliberated over the content of a law, but that the sovereign act of the state by which the new rule became law was performed when the rule was promulgated by the king. The royal power to issue ordinances in connection with the exercise of administrative functions was also liberally interpreted and sometimes abused. Later constitutions contained the provision that the ordinance power of the king must not interfere with the execution of laws passed

by the legislative assembly. Continental theory, however, was not willing to reduce the king to the position of a figurehead in the state. The monarch remained during the nineteenth century a real directing power in most of the states of Europe. In the German states especially, the doctrine was held that the kingship developed naturally with the nation and that king and people formed the state.

The supporters of liberal constitutionalism and of popular sovereignty upheld the theory of separation of powers in an attempt to check the efforts of determined monarchs to maintain their royal prerogatives. The conservatives attacked the principle of separation of powers as historically inaccurate and as unsound in its analysis of the functions of government. In the United States and in Germany the constitutional theory of the period dealt mainly with the nature of a federal state, the location of sovereignty within it, and the distribution of powers between the union and its component members. The controversy between kings and parliaments and, in federal states, between the union and its parts both tended to oppose the Austinian theory of absolute sovereignty located in a definite organ. As a result, it was generally held that sovereignty resided in a somewhat abstract and impersonal way in the nation or in the people.

Theories of Constitutional Government in Europe

The political philosophy of the effort to reconcile monarchy with constitutional institutions in Europe was best expressed in the compromise theory of sovereignty worked out by the *Doctrinaires* in France. French thinkers, since Bodin, had been accustomed to a definite location of sovereignty within the state. The supporters of the Bourbons found it in the will of a divine-right king. The revolutionists located it in the general will of the whole people. Since neither king nor people were supreme under the Charter of 1814, final authority was held to be found in reason or abstract justice. Sovereignty was placed above all human aspirants, and was derived from intelligent thought rather than from will. The conception of absolute sovereignty was thus avoided. The sovereignty of reason admitted the rights of both king and people, but denied the exclusive authority of either.

The ablest defender of the sovereignty of reason was Victor Cousin (1792-1867).[1] He held that sovereignty was the same as absolute right, and that right could not be based upon force or upon general will, but must rest upon absolute reason. Since men were liable to error, absolute

[1] *Cours d'histoire de la philosophie morale au dix-huitième siècle* (1839-40).

reason was unattainable; hence neither king nor people could claim absolute sovereignty. Certain principles of reason might be attained, and these were best represented in constitutional government.

Similar views were held by François P. Guizot (1787-1874).[2] He opposed both the sovereignty of divine right and that of general will and declared his belief that reason and justice alone could furnish the basis for absolute power. Like Cousin, he attacked the doctrine of supreme will in either a single individual or in a number of individuals. He believed that the conception of sovereignty as worked out by Hobbes, Rousseau, and Austin led to tyranny, and that political authority was derived from abstract truth rather than from human volition. He believed that all governments that attributed absolute sovereignty to human beings were despotic; only those that placed extensive checks and balances upon the authority of every organ could approach justice. Representative government, in which those who represented the best reason of the community were chosen to govern, was best adapted to maintain true liberty. Power possessed by king or people alone was dangerous; a balance between them must be justly maintained. Guizot wished to secure for the constitutional system set up in France after 1814 something of the reverence felt by Englishmen for their unwritten constitution. He realized, however, that the English system, a result of slow and evolutionary growth, had a decided advantage over the artificially created French charter.

The *Doctrinaires* hoped that the constitutional compromise between king and people would be permanent; the Liberals looked upon it as a transitional stage between monarchy and republicanism. The leader of the latter group was Benjamin Constant (1767-1830).[3] He believed in the sovereignty of the people, in the sense that the general will was superior to the individual will of the monarch; but denied that the authority of the people was unlimited. The only true sovereignty was justice; the jurisdiction of the government ended where the liberty of the individual commenced. In practice, the absolute exercise of sovereign power should be prevented by public opinion and by checks and balances among the organs of government. Constant made a new classification of the departments of government. He found an executive power in the ministers, a judicial power in the courts, a power representing permanence in a hereditary assembly, and a power representing opinion in an elective assembly. The king he considered a neutral organ holding the balance of power in government. The distinction between king and ministry was

[2] *Du Gouvernement répresentatif* (1816); *Du Gouvernement de France depuis la Réstoration et le Ministère actuel* (1821).

[3] *Principes Politiques* (1815); *Réflexions sur les Constitutions et les Garanties* (1814-18).

an important feature in Constant's theory, although he clung to the earlier view of a ministry responsible to the king rather than to the later system of parliamentary responsibility.

The Revolution of 1830 in France broke down the compromise arrangements of 1814, and the Chamber of Deputies declared that the people of France called Louis Philippe to the throne. The newly manifested power of the nation led to a modification of the earlier theory of the sovereignty of reason in which reason was viewed not as an abstraction but as the calm and deliberate opinion of the French nation. The organized people were sovereign, but their authority was not unlimited. They must act within the bounds of the constitution. The reason of the nation rather than the will of the people was supreme.

An impetus was given to democratic ideas in Europe by the work of Alexis de Tocqueville (1805-1859).[4] Basing his political philosophy on a close observation of conditions in America, Tocqueville helped to correct the belief in Europe that popular government necessarily resulted in anarchy or in a military despotism. The federal system of the United States, in which authority was divided between the states and the union, and an additional set of checks and balances thus created, was especially praised. Likewise, the decentralized administration, in which towns and counties exercised a considerable degree of local self-government, and the important political function performed by the judiciary in passing upon the constitutionality of legislative enactments were given careful consideration. Like Montesquieu, Tocqueville taught that the environment and the social conditions of a people determine their institutions. He believed that democracy would ultimately prevail throughout the civilized world as a result of natural development. Although Tocqueville feared the tyranny of the majority in a democracy, he showed Europe that it was possible to work popular government over a large area, and he gave to Americans the benefit of a critical estimate of their government from the outside. Many of the traditional conceptions in American politics can be traced to his work.

After the Revolution of 1848, the doctrine of popular sovereignty was more definitely restored in France. The new constitution declared that sovereignty rested in the general body of the citizens; and the rise of socialistic doctrines strengthened the idea of authority exercised by the community as a whole. French political theory of the nineteenth century was eager to check absolute power. The doctrines of the sovereignty of reason, of the individual rights which sovereignty cannot destroy, and of the limited sovereignty of the organized nation all aimed to prevent a

[4] *Democracy in America* (1835), trans. by H. Reeve.

recurrence, on the one hand, of absolute monarchy, and, on the other, of uncontrolled popular will.

The best statement of this point of view appeared in the writings of J. P. Esmein (1848-1913).[5] He defined the state as the juridical personality of the nation, and laid emphasis upon its internal and external sovereignty. At the same time he insisted upon the rights of the individual, which the state was bound to respect. The individual has, however, no right of resistance. Sovereignty is the will of the nation politically organized. It is legally supreme, but morally bound to protect the liberty of the individual.

Growth of Democratic Ideas in America

The early part of the nineteenth century was marked by a decided expansion of democratic ideas in America. Republics were established in Latin America with constitutions modeled on that of the United States. In the United States liberal ideas of government made rapid progress. During its first twelve years, the government of the United States was controlled by the Federalists,[6] the group of conservative leaders who had secured the adoption of the constitution. They were determined to keep the common people in a subordinate place and to assure political power to men of quality and substance. They aimed to invest the president with the trappings of monarchy and to give a decidedly aristocratic cast to the government. They had no sympathy with the doctrines of the French Revolution, and passed the Alien and Sedition Acts, giving the president power to punish those who criticized the government and to deport summarily troublesome foreigners. They favored a strong national government and, through their control of the Supreme Court, determined the main lines of constitutional development for a generation after they lost control of the executive and legislative branches. Under the able leadership of John Marshall,[7] the doctrine of implied powers was developed and the right of the court to declare unconstitutional both federal and state statutes was assured.

In 1800 a new period opened with the election of Jefferson to the presidency. This event was hailed by his followers as a return to the principles for which the war for independence had been fought. By the

[5] *Éléments de droit constitutionnel français et comparés* (1896).

[6] In the early period of the constitutional convention, the term "federal" had been applied to the plan of the small states, which desired a weak union, in contrast to the "national" plan of the large states. Later, all supporters of the constitution called themselves "Federalists," in opposition to the "Antifederalists" who opposed ratification.

[7] See C. G. Haines, *The American Doctrine of Judicial Supremacy* (1914).

Federalists it was viewed as ushering in a period of anarchy and of rule by the rabble. Numerous causes contributed to the fall of the Federalist group. After the violent agitation for a strong government that secured the adoption of the constitution, a natural reaction set in in favor of individual and state rights. The early years of the French Revolution also gave a stimulus to democratic spirit in America, and the Federalist administration was unpopular because it refused to aid republican France against monarchic England. The quarrel between the military faction, led by Hamilton, and the congressional faction, led by Adams, split the Federalist party. The invention of the cotton gin and the growing importance of the planters and the upland cotton growers shifted economic control from the merchants and bankers of New England to the landed aristocracy of the South. The westward movement of population increased the number of those who sympathized with the individualistic views of Jefferson and who felt that the New England leaders had no sympathy with their interests. Political power was shifted from a mercantile aristocracy, following English models, to a landed aristocracy, more purely American in spirit. For six administrations, the "Virginia dynasty" remained in control.

The political philosophy of the new aristocracy differed from that of the old. It discarded the ostentation of the Federalist régime and its cynical contempt for the masses. It regarded itself as the protector of the people, governing in their interests, although unwilling to entrust to them actual control. Its theory of democracy was in advance of its practice, but it looked forward to a continuous process of democratic development. It feared a strongly centralized government, and opposed a large standing army, the assumption of state debts, and the establishment of a national bank. Its theory was represented in the writings of H. St. George Tucker,[8] John Taylor,[9] Joel Barlow,[10] and, especially, Thomas Jefferson.[11]

Jefferson made little original contribution to political theory. His ideas were drawn largely from Sydney and Locke, liberalized somewhat by the influence of Paine. His chief work was to give the ideas of these men a form suitable to American conditions. Jefferson believed in human equality, natural rights, the establishment of government by social contract to protect individual liberty, and the right of revolution in case of misgovernment. He disliked energetic government, fearing that it tended to oppression. He believed that the consent of the people should be made

[8] *Commentaries on Blackstone* (1803).

[9] *Inquiry into the Principles and Policy of the Government of the United States* (1814).

[10] *Joel Barlow to his Fellow Citizens in the United States of America* (1801).

[11] See *The Papers of Thomas Jefferson* (1950-), now being edited by Julian P. Boyd.

the constant basis of government and argued that an occasional revolution was a medicine necessary to the health of the state. He suggested as a regular procedure the periodic revision of fundamental law at nineteen-year intervals.

Jefferson opposed monarchy, but was inclined to believe in a natural aristocracy of ability and intelligence. He advocated education and local self-government as the "two hooks" upon which republican institutions depend; and he believed that the masses, if intelligent, would select those best fitted to rule. He realized that democracy was not for peoples unqualified to exercise it, but he had confidence in the future of democratic development. He opposed a large standing army, associating it with oppressive government; and he argued for the subordination of the military to the civil power. He favored argiculture as against industry and commerce, believing that the growth of cities led to corruption and made successful democracy difficult.

The practical application of radical democratic principles came a generation later in the form of Jacksonian democracy. The growth of population and the admission of new states on the western frontier, together with the increase of the industrial population of the eastern cities, were largely responsible for this movement. Frontier conditions promoted independence, individuality, and a strong sense of equality. Urban conditions created a set of interests hostile to the landed aristocracy. Special privilege became unpopular and the idea of natural aristocracy was ridiculed. The extension of suffrage, by the removal of property qualifications, and the direct control of the people, in the national government as well as in local affairs, was demanded. The protective tariff, which favored the northern manufacturing interests, and the national bank, which was accused of maintaining the power of a financial oligarchy, were bitterly opposed by the new party. The removal of surviving religious qualifications and the complete separation of church and state were desired.

The election of Jackson in 1828 marked the success of this movement. Power was transferred from the landholding class to the mass of the population, and the older leaders again believed that "King Mob" had triumphed and that republican institutions were threatened with anarchy. The development of party organization and of the national nominating convention focused attention upon the president as the outstanding figure in national politics. Considering himself the direct representative of the people, Jackson took a vigorous attitude toward the rights of the executive department of government. The Whig doctrine that the legislature represents the people most closely and should be given chief power, while the executive should be distrusted and checked, was ably upheld by congressional leaders, such as Clay, Webster, and Calhoun; but the

president, supported by the people, was able to increase the power of the executive in opposition to the entrenched aristocracy of Congress. A similar expansion of executive power was noticeable in the states, where the governor was made popularly elective, with a longer term and with larger powers of appointment and of veto.

The democratic movement also laid emphasis upon popular election of officials formerly appointed, especially judges; upon short terms and rotation in office; and upon the idea that special training and experience were not essential to public leadership. It taught that any man of average intelligence was competent to hold high office, and that long service led to bureaucracy and to loss of sympathy with the people. The institution of slavery, however, survived the democratic tendencies of the period.

The Jacksonian democracy added little to political theory. It was mainly devoted to the carrying out of ideas formerly stated. At the same time, the doctrines of natural law and social contract, upon which American theory had been based, began to lose ground. John C. Calhoun (1782-1850) [12] repudiated the theory of natural rights and of human equality, holding that government was a natural outgrowth of human instincts and of necessity, and that inequality was essential to human progress. He taught that government arose naturally because of the necessity of restraining the selfish interests of individuals. The written constitution, in turn, was a device for checking the selfish tendencies of government. Calhoun believed that ultimate sovereignty in the United States resided in the separate states, as organized in their constitutional conventions. The states were originally sovereign and had formed the union by ceding to the national government certain powers which they could at any time withdraw. They might at any time assert their sovereign prerogative and secede from the union. Calhoun feared the tyranny of the majority which might result from unlimited popular sovereignty and desired to place checks upon the unrestrained exercise of governing power. He argued for a "concurrent" rather than a "numerical" majority. On the basis of this principle he argued the right of any state to nullify an action of the federal government. If, however, three-fourths of the states upheld the federal government, the nullifying state must yield or withdraw from the union.

The doctrines of natural rights and social contract were also opposed, though on different grounds, by the German refugee, Francis Lieber (1800-1872),[13] who wrote the first systematic treatises on political science that appeared in the United States. His work introduced a more scientific

[12] See his *Disquisition on Government* (1851).

[13] *Manual of Political Ethics* (1838-9); *Legal and Political Hermeneutics* (1839); *On Civil Liberty and Self-Government* (1853).

method and represented a decided reaction against the individualistic philosophy of the earlier period. Lieber boldly asserted that the state should take whatever measures were necessary to social welfare that could not or would not be taken by individual initiative. While Lieber held to a modified doctrine of natural law, as a body of rights deduced from the essential nature of man, and believed that under this law men possess certain natural rights, he did not interpret these rights after the fashion of the eighteenth century revolutionists. He condemned the theory of a state of nature and a social contract, holding that it was artificial and inadequate. Men were essentially social and no artificial process to create political society was needed. The state was an organic unit, created by an evolutionary process. Lieber pointed out the difference between English and French ideas of liberty, holding that the English emphasized civil liberty, or a sphere of immunity against governmental interference; the French emphasized political liberty, or the right of all persons to share in political authority. Lieber also influenced American ideas on international law, preparing, at President Lincoln's request, a code of land warfare for the guidance of the Union armies. Lieber's influence on American thought was reinforced by a line of thinkers, many of whom were trained in Germany and were deeply affected by the historical and comparative method of studying political institutions.[14] They were also somewhat impressed by the German theory of the importance of the national state and of the political mission of the Teutonic peoples.

The analytical jurisprudence of the Austinian school was represented in the work of W. W. Willoughby.[15] He criticized the theory of social contract, argued that rights cannot exist except under the law in the state, and viewed the state as a legal personality, with rights and duies of its own. He upheld the idea of absolute and indivisible sovereignty, and located it in all the organs through which the state expresses its will.

Nineteenth Century Anti-Democratic Theories

In the early part of the nineteenth century democracy was associated with Rousseau's theory of general will. It assumed the direct exercise of sovereign power by the people. It was viewed in the light of the experience of ancient Greece, and was supposed to be best suited to small states. Critics, such as Burke, Hamilton, and John Adams, believed that

[14] Especially O. A. Brownson, *Constitutional Government* (1842); E. Mulford, *The Nation* (1870); T. D. Woolsey, *Political Science* (1877); J. W. Burgess, *Political Science and Comparative Constitutional Law* (1890).

[15] *The Nature of the State* (1896).

democracy was essentially violent, excessive in its use of physical force, anarchic, and short-lived. The disorder of the French Revolution and of the American Confederation was associated with popular control. The founders of the American Constitution distinguished between a democracy and a republic. In the former, the people exercised government in person; in the latter, they administered it through representatives and agents. The extensive use of representation and of various devices of indirect popular government in the American system, and the widespread interest in De Tocqueville's description of American government, led to the acceptance of the United States as the typical democracy. Direct popular government came to be considered exceptional; the normal democracy was a representative republic.

The general tendency of nineteenth century development was toward the extension of democracy.[16] This was manifest in the abolition of slavery and serfdom, the removal of religious and property qualifications for voting, the adoption of written constitutions and of representative institutions, the abolition of hereditary monarchy, the extension of suffrage to women, and the revival of direct popular legislation by means of initiative and referendum. At the same time, critics of democracy were not lacking.[17] After the middle of the century, their arguments were no longer based on the divine right of hereditary monarchy or on the necessary degeneration of popular government into mob rule, revolution, and anarchy. They were rather inclined to emphasize the inefficiency, extravagance, and inconsistency of democratic governments, and their tendency to crush out excellence and to use a resistless public opinion to reduce individuals to a uniform level of mediocrity. They feared the rise of the demagogue and the corruption in government that resulted from the influence brought to bear by business interests. The weakness of popular government in large cities was especially noted by numerous observers. Many argued that democracy did not necessarily safeguard liberty, that it excluded its ablest leaders from public office, and that it was hostile to progress in science and art. The tendency of democracy to overlegisla-

[16] On modern democracy see: J. Bryce, *Modern Democracies* (1921); C. F. Dole, *The Spirit of Democracy* (1906); A. L. Lowell, *Public Opinion and Popular Government* (1913); L. T. Hobhouse, *Democracy and Reaction* (1904); H. Adams, *The Degradation of Democratic Dogma* (1919); W. Weyl, *The New Democracy* (1912); F. Cleveland, *Organized Democracy* (1913); J. H. Hyslop, *Democracy* (1899).

[17] Among the leading critics of modern democracy were H. Maine, *Popular Government* (1886); W. E. H. Lecky, *Democracy and Liberty* (1896); J. Stephen, *Liberty, Equality, Fraternity* (1873); E. L. Godkin, *Problems of Modern Democracy* (1896); *Unforeseen Tendencies of Democracy* (1898); E. Faguet, *The Cult of Incompetence* (1911); E. Lavéleye, *Le Gouvernement dans la Démocratie* (1891); A. M. Ludovici, *Defence of Aristocracy* (1915); W. S. Lilly, *First Principles in Politics* (1899); W. H. Mallock, *The Limits of Pure Democracy* (1918).

tion, the organization and methods of political parties that arose behind the ordinary machinery of government, and the methods used to influence public opinion also came under attack. During the first part of this century the basis upon which representation rested came under criticism, and a demand arose for proportional representation or for the political recognition of the functional groups that compose the state.

As a result, in those countries longest familiar with popular government, efforts have recently been made to prevent corruption in elections and in legislation and to secure greater efficiency, especially in administration. Appointment and permanence of tenure were found to have certain advantages over short elective terms, and civil service examinations were introduced to remedy the evils of the spoils system. With the expansion of governmental functions, the ability of the average man was found incompetent to deal intelligently with the complicated problems of modern life, and special commissions of experts were created and given large powers formerly exercised by popularly chosen representative assemblies. A concentration of responsibility was found necessary in order to secure real popular control; and the result was to increase further the power of the executive. The theory of separation of powers, especially in its extreme application in the United States, also came under severe criticism.[18] The value of the expert in government was given more consideration; modern reform is as likely to aim at efficient and business-like government as at further popular control.

The political theory of democracy was chiefly influenced during the second half of the nineteenth century by the economic development of the period. It was a time of rapid accumulation of capital and enormous development of manufactures, transportation, and trade. This development took place under a *laissez-faire* policy in which the state made little effort to control competition or combination. In this process the gap between capital and labor was widened, the former combining into powerful corporations, the latter into organized unions. Both brought their influence to bear upon government, especially upon the party system which had come to be the chief factor in modern democracies. Conservatism and liberalism came to be expressed in terms of attitude toward the relation of the government to the contest between capital and labor. Conservatives, while favoring government aid in business, opposed the effort to bring business under government regulation. Liberal and radical thought urged strict public control and in some cases public ownership and operation of services that affected public welfare.

The successful establishment of democracy reversed the attitude of a

[18] F. J. Goodnow, *Politics and Administration* (1900); T. R. Powell, "The Separation of Powers," *Political Science Quarterly*, Vols. 27-28 (June, 1912; March, 1913).

century earlier. At that time, liberal thought favored individualism as a means of limiting the authority of an undemocratic government. At present, conservative thought favors individualism in economic matters, as a means of preventing a government controlled by the masses from interfering with private interests.

REFERENCES

BELOFF, Max, *Thomas Jefferson and American Democracy* (New York, Macmillan, 1949).

BOORSTIN, D. J., *The Lost World of Thomas Jefferson* (New York, Holt, 1948).

BOWERS, C. G., *Jefferson und Hamilton* (Berlin, Henssel, 1948).

BURGESS, J. W., *Recent Changes in American Constitutional Theory* (New York, Columbia Univ. Press, 1923).

COIT, M. L., *John C. Calhoun, American Portrait* (Boston, Houghton, 1950).

COKER, F. W., *Recent Political Thought* (New York, Appleton-Century, 1934), Chap. 11.

HAINES, C. G., *The American Doctrine of Judicial Supremacy* (New York, Macmillan, 1914).

HOFSTADTER, Richard, *The American Political Tradition and the Men Who Made It* (New York, Knopf, 1948).

LASKI, H. F., *Authority in the Modern State* (New Haven, Yale Univ. Press, 1919), Chap. 4.

LEROY, Maxime, "Alexis de Tocqueville," *Politica*, Vol. 1 (August, 1935).

NICOLSON, H. G., *Benjamin Constant* (New York, Doubleday, 1949).

NYS, E., "Francis Lieber, His Life and Work," *American Journal of International Law*, Vol. 5 (April, 1911).

SPAIN, A. O., *The Political Theory of John C. Calhoun* (New York, Bookman, 1951).

SOLTAU, Roger, *French Political Thought in the Nineteenth Century* (New Haven, Yale Univ. Press, 1931).

WATKINS, Frederick, *The Political Tradition of the West* (Cambridge, Harvard Univ. Press, 1948), Chap. 6.

WEYL, W. E., *The New Democracy* (New York, Macmillan, 1912).

CHAPTER XXII

Rise of Democratic Socialism

Before turning to the development of democratic socialism, perhaps a word should be said about the term itself. This form of socialism is to be distinguished from the type now practiced in the Soviet Union on two major counts. Western socialism is evolutionary and democratic. Socialism as practiced by the followers of Marx, Lenin, and Stalin is revolutionary and authoritarian. The first, with which we are here concerned, has resulted in democratically organized welfare states in Britain and the Scandinavian countries. The second, which will be considered in later chapters, has resulted in dictatorship in Russia and those countries dominated by her.

Causes of Democratic Socialism

Democratic socialism owes its beginnings to the Industrial Revolution and to the conditions created by it.[1] This period was dominated by the view that the best state is the one that governs least. Freedom *from* government rather than freedom *through* government was the prevailing belief. Government had merely to mind its own business, which was to maintain order, and this negative concept of freedom would result in general happiness. If people pursued their own advantage free from restraints they would secure not only their individual happiness, but the well-being of the community as well. Alexander Pope expressed this view in the following couplet:

> Thus God or nature formed the general frame
> And bade self-love and social be the same.

[1] As does Marxian socialism or communism as it is more commonly called. See below, Part VII.

This was individualism in its most extreme form. It made the economic man an important and respectable member of society. It worked hand in hand with the new biology to teach evolution toward a better world through the struggle for existence and through the survival of the fittest. And it, of course, aided and abetted the fight for political freedoms. During the first half of the nineteenth century, then, powerful forces in society were moving in the direction of undiluted individualism.

The result of this movement was twofold. The production of material goods increased tremendously. Individual resourcefulness, goaded on by the promise of great wealth, transformed the economy of Europe and America. But at the same time, misery and poverty assumed unequaled proportions. The Industrial Revolution was followed by the factory system and the era of *Oliver Twist,* which has been so well dramatized by Charles Dickens.[2] Workers, huddled into urban slums, lived on that same level of starvation predicted for them by Malthus.[3] Children, often only eight or nine years old, worked much longer than men work today.[4] Workers were considered to be commodities to be hired at the lowest possible rate and to be laid off as soon as their use was no longer profitable. In keeping with classical economic theory, the worker was to be paid the rate acceptable to those workers who needed employment most. And as there was always a large reservoir of unemployed, this rate was never high. Beyond this, the worker, being essentially a commodity, had no right to further value which his labors might create. This was the return due to the enterpriser, the person who had taken the risks. Under these conditions it was possible to talk about freedom for all, but in reality freedom existed for just the few. The great majority of people were free only in the sense of being "free to sleep under a bridge," as noted by Carlyle.

In reaction to this situation, a new group of writers arose who urged greater concern for the social welfare of the people. They argued that public well-being depended not on the economic laws of Smith and Ricardo, but on a positive program aimed at greater economic equality, better working conditions, and other social improvements.

The Utopian Socialists

Early in this period a number of these writers proposed such sweeping changes that they have since become known as the utopian socialists.

[2] See also Benjamin Disraeli, *Sybil* (1895).

[3] See above, Chapter XVII.

[4] They were told, incidentally, that this was good for them because it kept them off the streets.

They were influenced by the prevalent optimistic ideas of human perfectability, and they expected to regenerate mankind by educational experimentation. They reasoned from ideal speculations and hoped to establish an ideal social order. They opposed revolution and class conflict, were broadly humanitarian in their outlook, and appealed to the dominant classes to aid the poor from above.

One of the first of these was Jean de Sismondi (1773-1842).[5] He opposed the prevailing belief in *laissez faire* by urging government intervention to redistribute wealth and to regulate the use of labor. He suggested that economics was too concerned with the means of increasing wealth, rather than increasing human happiness. He foreshadowed the humanitarian point of view of the Christian Socialists by suggesting that human compassion replace the cold calculation of economic gain. He also opposed the growing use of machinery in place of hand labor.

A more famous figure was Robert Owen (1771-1858).[6] As early as 1800 Owen, a shrewd man of business as well as an idealist, attempted to base the relations of employer and employed upon coöperation rather than competition and suggested a reform of society in order to remedy the poverty and misery of the wage earners. He believed that men are naturally good, but that evils resulted from the capitalist system; private property, religion, and the institution of marriage were considered barriers to the natural order. Owen proposed a communal system in which man's natural goodness could find free expression. He organized utopian communities, especially at New Lanark in Scotland and at New Harmony in Indiana, in which industrial and educational experiments were tried. General councils were to direct the internal affairs of the community and other councils were to carry on relations with similar communities. Unions of communities into larger areas, also under councils, were urged. The influence of Owen and his followers in England was an important element in creating coöperative societies, in bringing about legislation in the interest of the working classes, and in removing the restrictions upon labor unions.

The most important follower of Owen was William Thompson,[7] an Irish socialist. In his writings he argued that the laborer produced all value in exchange, and that he was entitled to the full product of his labor. He suggested a reconstruction of social institutions along the lines laid down by Owen, being unwilling to push his ideas to the logical conclusion in abolishing property rights and in taking away the unearned

[5] *Nouveaux Principes d'Économie Politique* (1819).
[6] *A New View of Society* (1812); *The Book of the New Moral World* (1820).
[7] *Inquiry into the Principles of the Distribution of Wealth most Conducive to Human Happiness* (1824).

surplus from capitalists and land owners. Coöperation was expected to solve the difficulties of employer and laborer.

Turning to France, economic conditions there, being even worse in some ways than those in Britain, gave rise to a distinctly French school of utopian socialists. This group approached social reform by way of philosophic speculation, not from the practical point of view of Owenism. Count Henri de Saint-Simon (1760-1825) [8] taught that the goal of social activity is "the exploitation of the globe by association." He viewed the French Revolution as a class war and was chiefly interested in the welfare of the workers. He believed that politics was primarily the science of production, and that it would ultimately be absorbed in the field of economics. He proposed a new social order resting upon the leadership of the producing class and aiming at progress in industry. Authority should be vested in a parliament of three houses: a house of invention, composed of engineers, poets, and artists; a house of examination, made up of mathematicians and physicists; and a house of execution, comprised of captains of industry. The first house should suggest laws; the second, pass upon them; the third, carry them into effect. His ideal was a society modeled on a factory, a nation transformed into a productive association.

Saint-Simon believed that successful social and political reform must rest upon a spiritual basis. He suggested the abolishment of existing forms of religion and the establishment of a new ethical order, based upon the teachings of Jesus, and having for its object the amelioration of the conditions of the poor. He made his appeal especially to the cultured classes. His ideas represented the generous aspirations of the new *bourgeoisie*. They represented industrialism mixed with socialism, and served later as a foundation for the positivism of Comte.

After his death, Saint-Simon's teachings were taken up by a band of devoted disciples,[9] who pushed his doctrines further in the direction of collectivism. They formed a society to promote his religious ideas, and were a conspicuous center of radical agitation. They worked out a philosophy of history, believing that careful observation of the past would furnish a clue to the future. They believed that history taught the gradual progress of human association in a peaceful exploitation of the material world; and that religion, science, and industry, properly harmonized in a régime of coöperation, would solve the problems of the times. Religion, based on love and sympathy, was the highest coördinating force. Religious rulers, suggestive of Plato's guardian philosophers, should possess supreme governing power. Fanatical leadership demoralized the movement and the Saint Simonian society was abolished by the police.

[8] *L'Industrie* (1817); *Le Nouveau Christianisme* (1825).
[9] Especially B. P. Enfantin and St. A. Bazard.

While Saint-Simon suggested a socialization of the entire nation, which would lead logically to state socialism, other utopian socialists sought reform in voluntary, local communities. Charles Fourier (1772-1837),[10] in spite of his eccentric ideas, possessed a wide intellectual outlook, and combined a keen criticism of the existing social order with an uncanny ability to foretell the future. He condemned the wastefulness of production and appealed to the material interests of men, urging order and harmony. He regarded the universe as God's harmonious creation and urged men to create a social organization equally well ordered and harmonious. Association was the principle of attraction among men, as gravitation was in the physical world. Like Saint-Simon, his social theories were closely related to his religious conceptions.

His project for the establishment of harmony in the economic and political world was the creation of a number of "phalanges" or groups of 500 families, united into communities. Each should include capitalists, laborers, and persons of creative imagination. Labor should be made attractive, monotonous employment and overwork should be prevented, and unpleasant tasks should be most highly rewarded. A minimum income was guaranteed to all, with the surplus divided according to a fixed ratio. Each phalanx should dwell in a communal palace and control a square league of land. The various phalanges should be united in a great federation with a capital at Constantinople. Under this system, Fourier believed that poverty would be abolished and the natural liberty of every man assured. With the establishment of natural harmony, the need for coercive authority would disappear. Fourier's ideas thus led logically to philosophical anarchy.

The leader of the last great utopian movement was Étienne Cabet (1788-1856). Influenced by Owen, he published his famous romance,[11] in which he outlined a plan of agricultural colonies and national workshops. He advocated progressive income taxes, the abolition of inheritance, and free education. His work created great enthusiasm in France and resulted in the setting up of a communistic colony, under his personal direction. Like Fourier, Cabet appealed to the altruistic feelings of men and held an optimistic view of the possibility of reforming human nature through education.

The utopian literature of socialism was thrown into the background by the rise of the Marxian movement. A number of recent writers have, however, put forth interesting ideas, showing imaginative power of a high order and expressed in excellent literary form. Some of these works

[10] *L'Association domestique agricole ou attraction industrielle* (1822); *Nouveau Monde Industriel et Societaire* (1829).

[11] *Voyage en Icarie* (1839).

have exerted an important influence on the development of the practical socialist movements. Among the most important of this group are Edward Bellamy,[12] William Morris,[13] William Dean Howells,[14] Samuel Butler,[15] H. G. Wells,[16] and Graham Wallas.[17]

Nineteenth Century Social Movements

Between 1830 and 1848 the working class throughout Europe was becoming politically active. The factory system had created a large laboring, non-propertied class and, in bringing the workers together, had made possible mass thought and mass action. The widening of commercial relations had extended the area of those having common interests. The workers increasingly demanded a share in the benefits of the great economic improvements. They agreed on the general policy that society should control land and capital, should regulate industry, and should provide opportunity for education. The accession of the "citizen king" in France in 1830 and the passage of the Reform Bill in England in 1832 marked the declining importance of the old governing class. The contest between the landed aristocracy and the manufacturers was replaced by a contest between capitalists and laborers.

In England the workers demanded political democracy. They formed the Working Men's Association, and, with the aid of radical members in the House of Commons, drew up the People's Charter, demanding an extension of the franchise and better distribution of parliamentary representation. Whereas the coöperative socialism of Owen drew its inspiration from experience and from the Utilitarian ideal, the Chartist movement broke with Benthamism and reverted to the natural-law ideals of Rousseau and the French Revolution. In its spirit it suggested the peasant revolts of the Middle Ages and the Levellers of the seventeenth century. The Benthamite creed had become associated with the wealthy Whigs who formed the right wing of the Liberals. The Chartists represented the radical labor wing who believed that men had been robbed of their natural heritage. While the mass of the English people remained impervious both to the utopian propaganda of Owen and to the Chartist revival of natural rights, the Chartist movement prepared the way for the Reform Acts of 1867 and 1884 and was later merged in the general Liberal movement.

[12] *Looking Backward* (1887).
[13] *News from Nowhere* (1892).
[14] *A Traveller from Altruria* (1894).
[15] *Erewhon* (1872); *Erewhon Revisited* (1901).
[16] *New Worlds for Old* (1908); *A Modern Utopia* (1905).
[17] *The Great Society* (1914).

In France the workers supported Louis Blanc (1813-1882) [18] in his agitation for social workshops to be set up by the state and managed by the workers under state supervision. He taught that all men had the right to subsistence and the right to work, and that each should produce according to his ability and receive according to his need. Unlike earlier socialists who depended upon voluntary association and who believed that education would lead to the adoption of their doctrines, Blanc appealed to the state to carry out his system. He looked to a democracy that should replace the capitalistic monarchy of Louis Philippe. The unsuccessful reform wave of 1848 followed his teachings. The Young Italy movement and the Young Europe Association, growing out of Mazzini's work for Italian freedom, and the Young Germany Society, founded by German refugees in Paris, were additional manifestations of such socialistic ideas.

Another important movement of the middle of the nineteenth century was an attempt to apply the precepts of Christianity to the solution of social problems. This tendency was especially pronounced in Catholic Europe where Catholic political parties were formed. The teachings of the Bible concerning the duties of the rich to the poor seemed particularly applicable to the conditions of the period. The Christian Socialists, as these parties were called, believed in coöperation, not competition. They attacked the individualistic doctrine that the natural man, acting from selfish motives, should be given freedom of action. At the same time, they opposed the doctrines of scientific socialism, which tended to become materialistic and anti-Christian. They attacked the existing organization of society, but believed that the chief remedy lay in the moral reform of the individual. They aspired to a society in which all men were brothers.

Present-day Social Catholics desire to bring about an understanding between the church and democracy. They urge the necessity of social reform, but believe that thoroughgoing socialism is destructive of religion, morality, and social progress. They favor the formation of unions, permeated by the Christian spirit, among Catholic workingmen, sometimes with the coöperation of employers. They attack with special bitterness the communist doctrines of Russia and her satellites, having learned from experience that Soviet control ends the freedom of unions as well as freedom of religion.

German Revisionism

During the formative years of the Christian Socialist movement, another type of party was springing up in Europe. This was the Social Democratic party. In its beginnings this group was controlled by the strong influence

[18] *Organization du Travail* (1841).

of Karl Marx.[19] It became in the long run, however, a bulwark of liberalism through the work of three German socialists—J. K. Rodbertus (1805-1875), Ferdinand Lassalle (1825-1864), and Edward Bernstein (1850-1932). These men were instrumental in revising Marxian philosophy to conform with a milder pattern of social, but democratic, reform.

Rodbertus[20] was one of the liberal figures caught up in the revolution of 1848 in Prussia. As a member of the Prussian National Assembly of that year he urged social and constitutional reform. He felt that while the eighteenth century had given workers legal freedom, the accompanying economic system had stripped this freedom of any meaning. It was necessary, if social justice were to be achieved, for the state to bring about a better distribution of production. In contrast to Marx, however, he felt that this could be accomplished without the violence of class warfare. Rodbertus' socialism was drawn from both French and German sources. His ideas represent a mixture of the ideas of the French utopian socialists with those of the German idealists, with their emphasis on the value of the state.

He viewed society as an organism created by division of labor, but did not believe that the free play of natural laws would be beneficial. He held that the state was an historical creation, with its organization determined, not spontaneously, but by the efforts of its own individuals. Each state must pass its own laws and develop its own system. Hence, Rodbertus favored state direction rather than natural liberty. His ideal was a socialist party confining its attention wholly to social questions. In German affairs he favored national unity under a constitutional monarchy. Much of his later life was spent in an effort to reconcile monarchical policy with a practical socialistic program.

Lassalle[21] was a brilliant spokesman for German labor. Through his eloquence and through his activities as an agitator and propagandist, the first worker's association was formed in Germany in 1863. This organization, which was a precursor of the Social Democratic party, was called the Universal German Workingmen's Association. Lassalle believed that the workers should control the state, and that governmental intervention rather than private initiative should direct economic life. He taught that the state was the outcome of an historical process in which helpless individuals were forced to combine in order to overcome nature and to put down oppression. Through the state alone could mankind realize its destiny and attain a high degree of culture. The state therefore must actively further the welfare of humanity. Again in contrast to Marx, how-

[19] See Part VII.
[20] *Forderungen* (1837); *Sociale Briefe* (1850-51).
[21] *Das System der Erworbenen Rechte* (1861).

ever, he fought for these changes through democratic channels. His chief political demand was for universal suffrage.

While Rodbertus and Lassalle did much to pave the way for a democratic form of socialism in Europe, the most important work was done by Edward Bernstein.[22] It is to him that the term "revisionist" is best applied, and it was he who worked within the ranks of the Social Democratic party after its formation in 1869 to keep it from following the leadership of its more extreme wing.

To Marxian philosophy Bernstein raised the following objections: [23]

(1) There is no evidence to support Marx' belief that the collapse of capitalism is imminent.
(2) The opposition of class to class is not so acute as that depicted by Marx because social conditions have not eliminated the middle class.
(3) A social reaction has set in against the exploiting tendencies of capital which has ameliorated the condition of the working class without the need of violence.
(4) There is greater chance of lasting success in a steady advance toward social reform rather than in the possibilities offered by a head-long rush on an all or nothing basis.

With these views in mind, Bernstein led the socialist movement toward immediate and obtainable goals. His aim was to secure political rights for workingmen, to guarantee the right of workers to unionize, and to promote safety devices to reduce occupational hazards. "Unable to believe in finalities," he concluded, "I cannot believe in a final aim of socialism [as envisaged by Marx]. But I strongly believe in the socialist movement, in the march forward of the working classes, who step by step must work out their emancipation by changing society from the domain of a commercial landholding oligarchy to a real democracy which in all its departments is guided by the interests of those who work and create." [24]

REFERENCES

BRANDES, George, *Ferdinand Lassalle* (New York, Richards, 1925).
BUBER, Martin, *Paths in Utopia,* trans. by R. F. C. Hull (London, Routledge and Paul, 1949).
COKER, F. W., *Recent Political Thought* (New York, Appleton-Century, 1934), Chaps. 1, 3.
COLE, G. D. H., *The Life of Robert Owen* (New York, Macmillan, 1930).

[22] See his *Evolutionary Socialism* (1909).

[23] These objections were contained in a letter which Bernstein sent to a meeting of the German Social Democratic party at Stuttgart in 1898. Marxism itself is discussed below, Part VII.

[24] *Evolutionary Socialism,* pp. xxii-xxiii. For a detailed discussion of Bernstein and revisionism, see H. W. Laidler, *Social-Economic Movements* (1948), Chap. 20.

DURBIN, E. F. M., *The Politics of Democratic Socialism* (London, Labour Book Service, 1946).
HALÉVY, Elie, *Histoire du socialisme européen* (Paris, Gaillimard, 1948).
HEBERLE, Rudolf, *Social Movements* (New York, Appleton-Century-Crofts, 1951), Chap. 4.
HERTZLER, O. J., *History of Utopian Thought* (New York, Macmillan, 1923).
KAUTSKY, Karl, *Social Democracy versus Communism* (New York, Rand School Press, 1946).
LAIDLER, H. W., *Social-Economic Movements* (New York, Crowell, 1948), Chaps. 8-10, 19-20.
LOCKWOOD, G. B., *The New Harmony Movement* (New York, Appleton, 1905).
MARKHAM, S. F., *A History of Socialism* (New York, Macmillan, 1930).
RUSSELL, Bertrand, *Freedom versus Organization* (New York, Norton, 1934), pp. 146-175.
WAGNER, D. O., *Social Reformers* (New York, Macmillan, 1934).

CHAPTER XXIII

British Socialism

In today's world, the most important experiments in democratic socialism are taking place in Great Britain.

British socialism, like most things British, has never taken an extreme form. Karl Marx wrote several of his manuscripts while living in London, but his ideas were never very successful there. Socialism in Britain owes more, rather, to a mild-mannered Oxford don, Thomas Hill Green. Through his lectures and through contact with students who were later to become leaders in public life, Green contributed immeasurably to the growth of Fabianism, guild socialism, and the British Labor party.

Green

The singular contribution of T. H. Green (1836-1882) [1] to political philosophy and to the development of liberalism is to be found in his doctrine of positive freedom. What he conceived was a means of combining social responsibility with democratic freedom. And this in essence has become the present meaning of liberalism.

The old liberalism of *laissez-faire* economics and negative notions of political freedom was becoming bankrupt during Green's day. The chief spokesman for complete individualism, Herbert Spencer (1820-1903), had carried the doctrine to the absurdities of its logical limits. In one of his works, *Social Statics,* he even went so far as to suggest that public education, poor relief, factory legislation, and state-controlled monetary and postal systems were wrong.

Green's answer to this sort of negativism was to reassert the integral relationship of the individual to the community. Following the leader-

[1] See especially his lectures published as the *Principles of Political Obligation* (1879-1880).

ship of Rousseau and Kant,[2] he undertook to demonstrate that individual personality or what he called the "moral self" could only be realized through the state, not apart from it. Green felt strongly the injustice of a state which condemned so many of its members to abject poverty. These members had a rightful share in the well-being created by the society of which they were a part. Yet they were being refused not only the material goods of society, but the spiritual goods as well. Material poverty carried moral degradation with it, leaving the underprivileged citizen unqualified "to fulfil any social function, [or] to contribute anything to the common good." [3]

Green proposed, consequently, that the negative freedom of Spencer be replaced by a more meaningful positive freedom. This he defined as "a positive power or capacity of doing or enjoying something worth doing or enjoying." It was thus not enough, argued Green, to grant people legal equality and freedom. Freedom had to imply the "actual possibility, in view of existing circumstances, of developing human capacities, a genuinely increased power on the part of an individual to share in the goods which society has produced and enlarged ability to contribute to the common good." [4]

Because these views corresponded in part to the idealism of Kant, Green and his followers were often referred to as English idealists or as the Oxford idealists. It should be noted, however, that Green never accepted the authoritarian elements of German idealism. He stressed instead the social nature of man and the value of collective responsibility and well-being through democratically controlled agents of government. He viewed political theory as moral theory, writ large, and upheld the state as the indispensable champion of individual rights rather than as their enemy. The assimilation of the individual and the state, and the insistence upon the unity of ethics and politics were the basic doctrines of the school.

Green started with the principle that the state is a natural growth and that its purpose is essentially ethical. Individual rights thus were not the result of contractual bargaining; they were the necessary conditions of free moral will and were represented by the crystallization of the general moral will into law. The conscious realization of a common end among men creates sovereignty, the power that uses force to guarantee rights and to safeguard freedom. Consequently, unless the state plainly acts in

[2] Green was also much influenced by the later views of John Stuart Mill. Mill had rejected in later life many of the economic aspects of Utilitarianism, suggesting the need for less egoism and more social concern.

[3] *Principles of Political Obligation*, section 155.

[4] G. H. Sabine, *A History of Political Theory*, rev. ed. (1950), p. 729.

contravention to generally accepted moral ideas, individuals should render it obedience because it is promoting their interests. Green did not push this theory to an extreme idealization of state sovereignty, however. He distinguished between legal rights and moral rights, and realized that the law always expressed moral ideals imperfectly. He preferred to limit state action to a policy of removing obstacles to freedom; he was willing to recognize the rights of associations within the state; and he welcomed the ideal of a world federation within which the rights of the separate states would be distinctly limited. War he considered an undesirable attribute of an imperfect state system.

Fabian Socialism

The Fabian Society, which was formed in England in 1884, represented a further extension of socialized liberalism. Like Green, the Fabians were appalled by the inhumanity of man to man that accompanied an industrial society. They proposed through state legislation to improve the conditions of the working class, but to do it in the manner of General Fabius [5]—through slow, but certain stages.

The Fabian Society was comprised during its early years of a small, vigorous band of intellectuals. Included were George Bernard Shaw, H. G. Wells, Sidney Webb, Graham Wallas, and Ramsay MacDonald. They were influenced by the collectivist revision which John Stuart Mill had made in his earlier Utilitarian philosophy, by certain aspects of Marxism, and by the American author of *Progress and Poverty*, Henry George. Their objective was to spread the doctrine of evolutionary socialism through pamphlets,[6] plays, novels, or any other effective medium.[7]

They agreed that "the Competitive system assures the happiness and comfort of the few at the expense of the suffering of the many and that Society must be reconstituted in such a manner as to secure the general welfare and happiness." [8] To this end they proposed the following principles which were issued in 1887 as "The Basis for the Fabian Society": [9]

[5] General Fabius was the Roman general who defeated Hannibal through his delaying tactics.

[6] See the *Fabian Tracts* (Nos. 1-174), published by the Fabian Society from 1884 to 1914.

[7] They were especially interested in reaching the governing classes. Mass propaganda they left to others.

[8] E. R. Pease, *The History of the Fabian Society* (1916), p. 32. Pease was the secretary of the Fabian Society for twenty-five years.

[9] *Ibid.*, p. 269. This statement can also be found in many of the Fabian Society tracts.

The Fabian Society consists of Socialists.

It therefore aims at the reorganization of Society by the emancipation of Land and Industrial Capital from individual and class ownership, and the vesting of them in the community for the general benefit. In this way only can the natural and acquired advantages of the country be equitably shared by the whole people.

The Society accordingly works for the extinction of private property in Land and of the consequent individual appropriation, in the form of Rent, of the price paid for permission to use the earth, as well as for the advantages of superior soils and sites.

The Society, further, works for the transfer to the community of the administration of such industrial Capital as can conveniently be managed socially. For, owing to the monopoly of the means of production in the past, industrial inventions and the transformation of surplus income into Capital have mainly enriched the proprietary class, the worker being now dependent on that class for leave to earn a living.

If these measures be carried out, without compensation (though not without such relief to expropriated individuals as may seem fit to the community), Rent and Interest will be added to the reward of labour, the idle class now living on the labour of others will necessarily disappear, and practical equality of opportunity will be maintained by the spontaneous action of economic forces with much less interference with personal liberty than the present system entails.

For the attainment of these ends the Fabian Society looks to the spread of Socialist opinions, and the social and political changes consequent thereon. It seeks to achieve these ends by the general dissemination of knowledge as to the relation between the individual and Society in its economic, ethical, and political aspects.

These principles were augmented from time to time by analyses of legislation pending before parliament and by broader studies of socialism. Of the latter, perhaps the most interesting was George Bernard Shaw's *The Fabian Society: Its Early History.*[10] In 1893 the Society joined with elements of the trade union movement to form the Independent Labor party. They have been active in the Labor movement since that date and continue today to promote through study and research the belief that socialism is but the "economic side of the democratic ideal."

The Guild Socialists

Guild socialism arose in England during the early years of the twentieth century as an offshoot of the Fabian movement. Its members were dissatisfied with the stand of the Fabians on the question of centralization of power. They shared many of the fears which motivated the

[10] Fabian Society Tract, No. 41 (1909). See also the *Fabian Essays* (1899), which Shaw edited.

French syndicalists, believing that too much government was bad whether it be socialist or not. They proposed a form of socialism keyed to the idea of decentralization and divided responsibility.

Concretely, they proposed and continue to propose that the state, representing consumers, own the means of production, but that guilds, representing the workers, control the means of production. In addition they suggest that each church, industry, educational organization, or other functional group have direct control of its own affairs; and that the state should interfere only as a last resort, or should stand on a par with other natural groups, with final authority to adjust disputes resting in a body that represents all essential interests.

Guild socialists believe that state control of industry results in a bureaucratic and undemocratic system because it creates a self-interested electorate partly controlled by and partly controlling a governing bureaucracy. Hence they prefer to set up a federal system in which the state looks after only such matters as public conduct, international relations, and the promotion of art and higher education—other matters being left to autonomous, coöperating occupational groups. These organizations will determine wages and prices; they will control all industrial matters; and they will have charge of the national income, paying to the state a certain sum to enable it to perform its duties. There will thus be established two democracies—one economic, one political.

From another point of view, guild socialism represents a reaction against the large-scale machine industry of the present day, as well as against the state. It looks back to the medieval period, with its small, decentralized, handicraft industry, which developed the personality of the workers and made possible pride in workmanship.

Perhaps for this reason, guild socialism has made little progress in Britain and is considered somewhat academic by its critics. In a world striving for mass production, its approach to Britain's problems has seemed less realistic than that of the Fabian Society. In any case the policies followed by the Labor party have been Fabian policies in the main, rather than those of the guild socialists.

The British Labor Party

The Labor party was officially formed in 1906. It grew out of a welter of allied social movements of which the chief were the British Trade Union Congress, the Independent Labor party, the Fabian Society, and the Social Democratic Federation. During the following half-century it grew from a party with a handful of members into one of Britain's two largest political organizations.

It has from its inception been a party devoted to democratic socialism, rather than to class warfare and proletarian dictatorship. The Labor party has always had a high respect for the quality of rank-and-file workingmen. It has never shared Lenin's belief that this vast group of people could be led to salvation only by a small, tightly knit band of professional revolutionaries.

Another distinguishing quality of the Labor party is its religious humanitarianism. Clement Attlee, the present leader of the party, was converted to socialism through contact with the poverty he encountered in London's slums from 1905 to 1922. He stated later that conditions were so bad in the Limehouse district where he served as a social worker that they aroused his Christian beliefs in the dignity of the individual, leading him to enlist in the socialist cause.

In the field of economics, the Labor party prides itself on following a middle course between capitalism and communism. They have nationalized industries considered vital to the national welfare, but have not eliminated free enterprise in other fields. Taxes have been high and have fallen heavily on the well-to-do, but compensation, they point out, has been provided for nationalized property and there have been no purges or extra-legal actions taken against large property owners.

The Labor party thinks of its program as revolution by consent, and suggests it is the democratic answer to today's problems. In this program,[11] three major features stand out. They are nationalization of basic industries, redistribution of income, and social and economic planning. The object of nationalization is twofold. It is considered essential that basic industries be owned by the state in order that they can be made socially responsible.[12] It is also felt that nationalization removes, "step by step, the source from which major unearned incomes are derived."[13] Redistribution of income is justified as leading to greater social equality. This means a heavily graduated income tax on the one hand and higher wages and social benefits for the working classes on the other. As for social and economic planning, this is the Labor party's answer to depressions and ineffective utilization of the nation's resources. They pride themselves especially on taking the "boom and bust" out of their economy.

Members of the British Labor party thus believe with Keir Hardie[14] that capitalist liberalism must now give way to a social form of liberalism wherein the labourer shall be rewarded in proportion to his work.[15] And

[11] For a recent statement of official policy, see *Labour and the New Society* (1950).
[12] John Strachey, *The Just Society* (1951), p. 6.
[13] *Ibid.*
[14] Hardie was the first socialist elected to parliament.
[15] Strachey, *op. cit.*, p. 4.

they suggest that against capitalism in decline, "against communism which has no appreciation of human values," the wise choice is Labor's "creed of free social democracy." [16]

The Future of Liberalism

Nearly two hundred years after Rousseau, liberalism is still searching for its full meaning. It has, however, taken some remarkable strides toward the goal of translating men's desires, ambitions, and fears into social and political realities.

The most notable advance of recent years has taken place in the economic and social fields. The political liberty of the nineteenth century has been augmented by the economic and social equality of the twentieth century. Great inequalities of wealth no longer deprive political equality of meaning.

In simplest terms, the steps leading to this, our present form of liberalism, can be summarized as follows: During the latter part of the eighteenth century, the hereditary, landowning nobility found itself losing ground to a rising class of enterprisers who convinced the masses of people that they had no common interests with the ruling few. They promised a community of interest which would improve conditions for all. The ensuing revolutions, both political and industrial, were followed, however, by a new form of control in which the interests of the commercial classes proved antithetical to rather than identical with those of the working classes. Following a period of unparalleled economic growth, accompanied by a corresponding increase in conscious poverty, a new movement arose seeking the social justice which had not been previously achieved. This centered in the condition of the workers, or the proletariat as Marx called them. Practically it took the form of trade unionism; its ideas were supplied by an intellectual leadership. In those countries not possessing established channels of constitutional government and democracy, this movement resulted in communism (or fascism as a reaction to communism) and a continuation of control by an elite. In Britain and the United States, the forces seeking social and economic change succeeded in replacing the former ruling classes through democratic means. The result has been the New Deal and Fair Deal in the United States and a mild form of socialism in Britain.

Seemingly, the control of the government has at last passed in these latter countries to the great majority of the people, who have come of age politically and economically for the first time. Doubts remain, however,

[16] From a speech by Clement Attlee, quoted in the *New York Times Magazine*, October 19, 1952.

whether this new form of liberalism will not lead ultimately to another type of controlling elite, which will be more powerful than ever because it will have all economic as well as political controls in its hands. The danger lies in centralizing power so much that those in control will be able to create an automatic majority for their decisions or that they will come to identify their own (bureaucratic) interests with the public interest, dispensing with really effective popular controls.

Whether these doubts are well founded is a question which deserves much thought and discussion. A return to the principles of the last century is not now possible. We live in an age which will continue to emphasize social responsibility. The problem for us is how to live with the machinery social responsibility makes necessary without losing control of the machinery we create.

REFERENCES

ATTLEE, Clement R., *The Labour Party in Perspective—and Twelve Years Later* (London, Gollancz, 1949).

BRADY, R. A., *Crisis in Britain: Plans and Achievements of the Labour Government* (Berkeley, Univ. of California Press, 1950).

CHIN, Y. L., *The Political Theory of Thomas Hill Green* (New York, Gray, 1920).

COKER, F. W., *Recent Political Thought* (New York, Appleton-Century, 1934), Chaps. 4, 9, 15.

COLE, G. D. H., *A History of the Labour Party from 1914* (London, Routledge and Paul, 1948).

CRIPPS, Stafford, *Towards Christian Democracy* (New York, G. Allen, 1946).

HALLOWELL, J. H., *Main Currents in Modern Political Thought* (New York, Holt, 1950), pp. 463-476.

HUTCHISON, Keith, *The Decline and Fall of British Capitalism* (New York, Scribner, 1950).

LAIDLER, H. W., *Social-Economic Movements* (New York, Crowell, 1948), Chaps. 17-18, 23, 31.

LEWIS, W. A., *The Principles of Economic Planning: A Study for the Fabian Society* (London, Dobson, 1949).

PEASE, E. R., *A History of the Fabian Society* (New York, Dutton, 1916).

SABINE, G. H., *A History of Political Theory*, rev. ed. (New York, Holt, 1950), pp. 725-749.

STRACHEY, John, *The Just Society* (London, The Labour Party, 1951).

TAWNEY, R. H., *The British Labor Movement* (New Haven, Yale Univ. Press, 1925).

WATKINS, Frederick, *The Political Tradition of the West* (Cambridge, Harvard Univ. Press, 1948), Chaps. 9, 12.

PART VI

The Growth of Fascism



CHAPTER XXIV

German Idealism

Nature of Idealist Thought

The beginnings of fascism are to be found in the conservative reaction which followed the French Revolution. German idealism,[1] as one aspect of this reaction came to be known, culminated in the doctrines of Georg Wilhelm Hegel, sometimes called the father of fascism.[2]

Idealism was an outgrowth of Greek philosophy and of the confused but fertile ideas of Rousseau. It was also a reaction to Hume's theory of knowledge. From Greek philosophy, the idealists adopted the view that political philosophy was essentially an ethical study, which considered the state as a natural society and which inquired into the methods by which it sought to attain its moral aims. They taught, as did Plato and Aristotle, that man, by his very nature, is a member of the political community, that law is the expression of pure reason, and that the good life consists in each man performing his proper duties in the life of the community.

From Rousseau, the idealists adopted the concept of the general will. They also learned to distrust any brand of "reason" but their own.[3] The

[1] While important relationships between German idealism and fascism are emphasized in the following pages, it should be noted that the two are by no means identical. German idealism, for example, contained a moral element which never found its way into fascist doctrine.

[2] Ernst Cassirer observes on this score that Hegel in spite of intentions to the contrary "unchained the most irrational powers that have ever appeared in man's social and political life. No other philosophical system," he declares, "has done so much for the preparation of fascism and imperialism." *The Myth of the State* (1946), p. 273.

[3] The idealists were critical of reason in the then accepted scientific sense. This did not lead them to profess irrationalism, however, as was the case with later fascists. Hegel considered his philosophy as the epitome of reasonableness in the sense that it depended on a dialectical argument that was considered strictly logical.

general will, for its part, became in Kant's philosophy a moral imperative to will a self-imposed duty, leading to a philosophy not incompatible with liberalism. But in Hegel this will became the will of the state which absorbed the will of the individual, leaving the state as the new Leviathan. In regard to reason, Rousseau had characterized the arts and sciences as a source of moral decay and demanded a return to the simplicity of nature. He had based man's worth, not on his intelligence, but upon his moral nature, and placed dependence upon emotion rather than on reason. Building on these views, the idealists sought a higher kind of truth than that offered by scientific intelligence. A clear distinction was drawn between truth discovered by observation of phenomena and truth arrived at by abstract thought. In this process political theory became part of a transcendental metaphysics.

The importance of Hume rests in this struggle to reassert the existence of *a priori* truths. His destructive theory of knowledge served as a goad to the idealists. Hume had asserted in his *Treatise of Human Nature* that the absolute truths of philosophy were not truths at all but only opinions. About such matters no certain knowledge existed. Man could be led only by his experience and by utilitarian self-interest. The detailed answer of Kant and other idealists to this proposition is beyond our scope, but essentially they argued a higher form of truth resting on such fundamental moral obligations as good will, which were prior to experience and therefore not dependent on it. These elemental obligations served as the core of a healthy personality and bound men together in a community of well-being.

The Political Thought of the Idealists: Kant and Fichte

These ideas were represented in the writings of Kant, Fichte, and Hegel. Immanuel Kant (1724-1804) [4] did not take an active part in politics,[5] nor did he make an original contribution to political thought,

[4] Kant's political ideas are found chiefly in his *Metaphysical First Principles of the Theory of Law* (1796), trans. by W. Hastie; and his *Perpetual Peace* (1795), trans. by M. C. Smith. See also his essays on *The Principles of Political Right* and *The Natural Principle of the Political Order.*

[5] Heinrich Heine has drawn a famous picture of Kant which indicates that he took little part in anything. "The history of Immanuel Kant's life is difficult to portray, for he had neither life nor history. He led a mechanical, regular, almost abstract bachelor existence in a little retired street of Königsberg, an old town on the northeastern frontier of Germany. I do not believe that the great clock of the cathedral performed in a more passionless and methodical manner its daily routine than did its townsman, Immanuel Kant. Rising in the morning, coffee-drinking, writing, reading lectures, dining, walking, everything had its appointed time, and the neighbours knew that it was exactly half-past three o'clock when Immanuel Kant stepped forth from his

though his innovations in philosophy are well known. His political principles were derived mainly from Rousseau and Montesquieu, and his work consisted in fitting their ideas into the categories of his critical philosophy. He was more interested in the analysis of fundamental concepts than in practical questions of politics and administration.

Kant held that men are by nature free and equal, and that the state represents in principle a contract by which the natural rights of each individual are placed under the guarantee of the whole people. The social contract as an historical fact he rejected. Sovereignty resides in the people, whose general will is the source of law, a just law being one to which the whole people can reasonably give assent. The adoption of a constitution represents the process by which the state is established and the general will expressed. The functions of the state are legislative, executive, and judicial; and the separation of legislative and executive power is essential to liberty. The authority of the people may be represented by elected deputies, or may be represented by a king and a nobility. Conditions in Prussia led Kant to attempt to reconcile the doctrine that the general will of the people is sovereign with the belief that this sovereignty could be exercised through a monarchic form of government. His philosophical distinction between the ideal and the actual led him into some confusion. His ideal state was formed by voluntary agreement, and its sovereignty, manifest in abstract law, was derived from the will of all. His practical state, resulting from historical conditions, was based on force and reason, its sovereignty resting with those who had the actual power. Disliking violence and disorder, and alarmed by the excesses in France, Kant denied the right of revolution, holding that changes in the constitution must be made in a legal way by the sovereign itself.

Kant had little idea of the corporate life of a national state, as did later fascists. The free will of the individual was uppermost in his thought. He tried to discover the abstract principles that underlie morals, law, and politics. These he found in the right of each individual to will and to impose limitations upon himself. Mutual limitations upon the life of men in association were imposed by law, which represented the general will. In this way Kant tried to reconcile authority with perfect freedom. Freedom was essentially subjective, and the individual was an end in

house in his grey, tight-fitting coat, with his Spanish cane in his hand, and betook himself to the little linden avenue called after him to this day the 'Philosopher's Walk.' Summer and winter he walked up and down it eight times, and when the weather was dull or heavy clouds prognosticated rain, the townspeople beheld his servant, the old Lampe, trudging anxiously behind him with a big umbrella under his arm, like an image of Providence." *Religion and Philosophy in Germany* (1891), p 108.

himself. The supreme value of the rational man was the dominant idea in his philosophy. Accordingly, his attitude toward the state was individualistic; it must not attempt to determine the whole life of its citizens.

The same ideas were applied to the relations among states. Kant held that the European system of a balance of power could never be the basis of a lasting peace, and that states could never be entirely independent in their external dealings. He advocated the subordination of the state to a federal league of nations, in which each state should be subject to the adjudication of a general European will. He held that it was the divine intention that mankind should ultimately be united in a world-state. The remedy for European anarchy was a "system of international right, founded upon public laws conjoined with power, to which every state must submit." Kant believed that economic conditions would compel reasonable men to eliminate war. The period through which he lived, covering the Seven Years' War and the Napoleonic wars, in both of which Germany suffered severely, no doubt influenced his attitude toward international relations.

Johann Fichte (1762-1814) agreed with Kant in his idealistic philosophy. He was, however, more actively interested than Kant in problems of practical politics, and was much influenced by the disasters of Prussia under the Napoleonic conquest, and by the strong revival of national feeling that followed. In his earlier writings [6] he followed the liberal and individualistic doctrines of Rousseau, emphasizing the law of nature, the rights of the individual, and the sovereignty of the people. In his later writings [7] he emphasized the importance of the national state and justified the extension of its activities into a system of state socialism, leading to future fascist doctrines.

In his earlier writings, Fichte developed the Kantian concept of free, rational beings, realizing that their freedom is limited by the freedom of others, uniting their wills into a general will by means of a social contract, in order that the restrictions placed by law upon their free activities might be self-imposed. Fichte rejected, however, the idea of a pre-political state of nature, holding that the state is itself the natural condition of mankind. The social contract he subdivided into three processes: the property contract, by which men mutually agreed to limit their rights of free action in the external world of sense; the protection contract, by which each agreed to contribute his share of the force necessary to maintain the former agreement; the union contract, by which all united to form a sovereign state, whose duty it was to enforce the

[6] *Beiträge zur Berichtigung der Urteile des Publikums über die Französische Revolution* (1793); *Grundlage des Naturrechts* (1796), trans. by A. E. Kroeger.

[7] *Der Geschlossene Handelsstaat* (1800); *Die Staatslehre* (1813).

previous agreements. Beyond the protection of individual rights, the state should not interfere with the free actions of its citizens.

In his later writings, Fichte permitted a much wider sphere of authority to the state, holding that individual property had no existence except through the state, and that it was the duty of the state to give each individual what properly belonged to him and to protect him in its possession. Influenced by political and economic conditions in Germany, he believed that each state should be economically self-supporting. The state should distribute its population among the several classes of producers, farmers, artisans, and merchants, should fix prices, and should insure to each individual his proportionate share of the national wealth. As far as possible, foreign trade should be avoided; when necessary, it should be carried on through the government itself. Economic independence he held to be a natural corollary of the existence of separate national states. The English idea of free trade, ruinous to the undeveloped economic system in Germany, he bitterly opposed. The rational state was an economic unit, enclosed within natural geographical boundaries, having only such relations with neighboring states as could not be avoided. The ambitions and rivalries of world commerce he considered the chief cause of war.

Just as each individual should have his proper place and employment in the state, so, Fichte believed, each nation has its peculiar contribution to make to the progress of civilization. The cause of Prussia's weakness in the contest with Napoleon, Fichte found in the lack of political consciousness among the people. Accordingly, he appealed [8] to the patriotism of his countrymen and held up the ideal of German unity, teaching that it was Germany's mission to regain her national existence and to assume a place of leadership in the world. To this end he urged the state to undertake an elaborate system of moral and intellectual training.

For the problem that had led Kant into difficulties—the reconciliation of the theory of popular sovereignty with the existence of a powerful and irresponsible monarch—Fichte offered an unusual solution. Realizing that there was danger that the sovereign will of the people, as represented in the fundamental law, or constitution, might be ignored by some organ of the government, he suggested the creation of a board of Ephors,[9] whose sole duty it should be to determine whether the constitution was

[8] In his *Reden an die deutsche Nation* (1807-8).

[9] Note the Spartan system of Ephors, the Ephors of Althusius, and the Council of Censors provided for in the first constitutions of Pennsylvania (1776) and Vermont (1777). These latter were charged with the duty of inquiring whether the constitution had been preserved inviolate. The Censors were abolished in Pennsylvania in 1790; in Vermont they existed until 1870; having met thirteen times and having ten times proposed constitutional changes.

being observed and to provide means when necessary by which the sovereign will of the people might find expression. If this check on governmental usurpation failed, the people as a whole had the right to revolt, since they were the source of all power, responsible to God alone.

Hegel

The climax of German idealistic political thought was reached in the writings of Georg Wilhelm Hegel (1770-1831).[10] Kant's theory of freedom and his ideal of perpetual peace were inspired by the French revolutionary ideas of 1789. Hegel wrote when the reaction had set in against Napoleon and when allegiance to the national state and to monarchy was restored. International morality, therefore, received little consideration, and the personality of the national state, superior in importance to its individual members, was exalted to a mystical height.

In contrast to the revolutionary doctrine of the artificial origin of the state by contract, Hegel held that the state was a natural organism, representing a phase of the historical "world process."[11] In contrast to the collection of separate individuals each with his natural rights and his share of the general will or sovereignty, Hegel viewed the state as the real person, its will as the manifestation of perfect rationality—the synthesis of universal and individual freedom. Only as a member of the state had the individual reality; a perfect life consisted in living in accordance with the universal will. He endeavored to reconcile the inwardness of morality with the externality of law, and to show that true freedom involved the outward realization of what was subjectively demanded by reason. He believed that this could be accomplished only through law, through the rules of morality, and through the system of institutions that made for righteousness. In this category the state, as the harmonizer of all social functions, occupied the highest place.

Sovereignty resided in the state as a legal person, not in the people of the state as collective individuals contrasted with their ruler. However, Hegel held that personality must find expression in an individual; the monarch thus became the bearer of the state's personality. By emphasizing the monarch as the personification of the state, the immediate effect of his teaching was to divert attention from his theory of state sovereignty to its apparent identification of sovereignty with the monarch. Hegel idealized the state and considered constitutional monarchy decidedly superior to democracy.

[10] In his *Grundlinien der Philosophie des Rechts* (1821), trans. by S. W. Dyde.

[11] This idea was first stated by Friedrich Schelling in his *System of Transcendental Idealism* (1800).

Hegel asserted that the constitution of each state should be the result of its historical evolution, and that to debate over the best form of constitution or to attempt to create a constitution was futile. In his analysis of government, he discovered three powers: the legislative; the administrative, which included the judicial; and the monarchic. The differentiation of legislative and administrative powers represented the valuable principle of diversity; the monarchic power represented the equally valuable principle of unity. The legislature represented the many; the administration the few; the king, the one. Thus monarchic, aristocratic, and democratic elements were happily combined. Hegel opposed the principle of separation of powers, holding that king and administration should share in lawmaking in order to preserve the organic unity of the state's will.

In its external relations, Hegel taught that each state was independent and subject to no law but its own will. He emphasized the complete individuality of each member of the family of nations and asserted that the ordinary rules of morality that obtained among individuals could not be applied in the relations among states. Agreements made among states were only provisional. The object of a treaty was to secure the particular interests of the state; in consequence of changing circumstances, treaties might be ignored. War was an inevitable, and not wholly undesirable, activity of the state in creating and maintaining its national existence. War, in fact, was the crucible out of which a state's "true personality" developed. Perpetual peace led to internal corruption; successful war prevented internal unrest and strengthened the power of the state. A special class of citizens, distinguished by courage, devoted to war, and ready to sacrifice itself in the service of the state, was highly desirable.

Hegel followed Fichte in believing that each nation has its peculiar spirit and culture and makes its peculiar contribution to world civilization. The progress of history thus portrayed the gradual unfolding of the universal spirit; [12] in each age some people represented the world spirit as thus far revealed. Viewing ideal freedom as the goal toward which state life moved, Hegel found four stages in political evolution: the Oriental, in which the despot alone was free; the Greek and the Roman, in which some were free; and the German, in which all were free. The institutions of his own land and of his own time were idealized as the highest achievements of human progress.

The German idealists based their political principles upon concepts of pure thought rather than on observation and experience. They developed

[12] See his *Philosophie der Geschichte* (published in 1832 after his death), trans. by J. Sibree.

the idea of will as the ultimate element in politics. Starting with the liberal and cosmopolitan doctrines of the French Revolution, they developed in the opposite direction toward a glorification of the national state and a mystic belief in the divine mission of the German people. Authority rather than freedom came into the foreground. Their ideas gave a marked stimulus to the demand for German unification, to the growth of fascism, and to the aggressive ideas of German dominance put forward by later political writers.

REFERENCES

BOSANQUET, Bernard, *The Philosophical Theory of the State*, 3rd ed. (London, Macmillan, 1920).

CAIRNS, Huntington, *Legal Philosophy from Plato to Hegel* (Baltimore, Johns Hopkins Press, 1949), Chaps. 12-14.

CASSIRER, Ernst, *The Myth of the State* (New Haven, Yale Univ. Press, 1946), Chap. 17.

DEWEY, John, *German Philosophy and Politics* (New York, Holt, 1915).

ENGELBRECHT, H. C., *Johann Gottlieb Fichte* (New York, Columbia Univ. Press, 1933).

FOSTER, M. B., *The Political Philosophies of Plato and Hegel* (Oxford, Oxford Univ. Press, 1935).

HEINE, Heinrich, *Religion and Philosophy in Germany*, trans. by John Snodgrass (London, Kegan Paul, 1891), Part III.

HOBHOUSE, L. T., *The Metaphysical Theory of the State* (London, G. Allen, 1918).

LINDSAY, A. D., *Kant* (London, Oxford Univ. Press, 1934).

LUKACS, György, *Der junge Hegel* (Zurich, Europa Verlag, 1948).

MARCUSE, Herbert, *Reason and Revolution: Hegel and the Rise of Social Theory* (New York, Oxford Univ. Press, 1941).

MCGOVERN, W. M., *From Luther to Hitler* (Boston, Houghton, 1941), Part II.

ROSENZWEIG, F., *Hegel und der Staat* (Munich, Oldenbourg, 1920).

CHAPTER XXV

From Wagner to Chamberlain

Continuation of the Reaction

The philosophical reaction to the French Revolution was accompanied by reaction in other forms.

In the arts, romanticism became the order of the day. The exploits of characters of fiction like the Count of Monte Cristo, the works of Carlyle, and the operas of Wagner helped prepare the way for fascism by sowing the seeds of hero worship and by creating a belief in the destiny of the *Volk*.

As a reaction to the breakdown of the community inherent in liberal notions of individualism, a new interest in nationalism was created. People turned with greater pride to their common national origins and to the spirit or genius of their particular nation. There was also, as a consequence, a revival of interest in history and the historical approach to political problems. The historical school attacked the idea that the state was a deliberate, artificial creation, and that political institutions might be made at will. They emphasized the element of unconscious growth and viewed the state as the product of historical development, rather than of contract among individuals. Burke in England, and Treitschke and Savigny in Germany supported this view.

As a reaction to rationalism and the atheistic tendencies of the revolution, a strong revival of religious theory appeared. This declared that human power was insufficient to serve as a sanction for authority and that the sovereignty of the state came from God. It held that the state was the result of a divine command, not of a human contract. De Maistre, the Marquis de Bonald, and Lamennais—all French Catholics—upheld this position.

This distrust of human reason was also evident in the development of

a school of irrationalism in philosophy. Led by Nietzsche and Pareto, this school taught the inadequacy of reason as a solution to the world's problems. The irrationalists believed that most men possessed little reason, were essentially irrational, and were in any case up against a mystery that "reasonable" methods could not conquer. In politics they scoffed at parliamentary institutions and at the assumptions of democracy, promoting the fascist belief that "We think with our blood."

Finally, there was a reaction to the liberal idea of equality in the doctrine of racial superiority put forward by Gobineau and Chamberlain.

Wagner and Carlyle

Richard Wagner (1813-1883) represents perhaps more closely than any other figure the climax of romanticism in Germany. Through his music he helped to combine the cult of the *Volk* with a belief in the great leader or hero.

Building on the work of Herder, he romanticized the importance of the *Volk* by returning to the greatness of medieval Germany. He recreated through his operas the music, poetry, and folk myths of Germany's past, leaving his audiences welded together in a common feeling of pride. The hero he pictured as the rare leader who caught the spirit of the *Volk*. He was in a sense the soul of the people, leading them on to greater glories. Through him the true meaning of life was to be found. Never mundane, Wagner's heroes despised the masses individually though the masses might reach great heights collectively. Utilitarian morality and the pettiness of the *bourgeoisie* were also to be despised as was anything commonplace. A restless surge of basic emotions, a primitive strength, were the real ingredients of greatness.[1]

In England, similar ideas were advanced by Thomas Carlyle (1795-1881)[2] who preached against the averageness of democracy and the uninspiring creed of Utilitarianism. Carlyle early developed a profound respect for German literature and philosophy which colored his thinking. He was impressed by the gospel of a hero with a special mission to perform. Democracy needed to be taken out of itself by something bigger than it could ever become alone. In his essay on *Chartism*, Carlyle called for a leader who would intuitively know the right path. People left to their own devices were little better than madmen. They needed to be laid hold of and pushed if necessary toward their destiny.[3] "Carlyle

[1] For an interesting and more complete discussion of these views, see Peter Viereck, *Metapolitics* (1941), Chaps. 5-6.

[2] *Chartism* (1839); *Past and Present* (1843); *Shooting Niagara* (1867).

[3] *Past and Present*, p. 212.

thought that good government meant wise government and wisdom was not to be found in the ignorant mob. To find out truth and wisdom by counting noses was ridiculous. To him the twenty-seven millions who then inhabited England were 'mostly fools.' To seek from them or their elected representatives the answers to the complicated problems of government was senseless. As for women, 'the Lord made them fools to match the men.' " [4]

The Prussian Historians

The emphasis on nationalism which played so large a part in the development of fascism is best represented in the writings of the Prussian historians, Heinrich von Treitschke (1834-1896) and Friedrich Karl von Savigny (1779-1861).[5]

Treitschke,[6] more than any other figure, was responsible for the patriotism surrounding Bismarck's successes in Prussia and for the aggressive form of nationalism identified with Germany during this century. He taught that Germany should fill out her natural boundaries, assimilate her various elements, and extend her culture over inferior peoples by war if necessary.[7] The constant theme of Treitschke's works was that state building justified all necessary measures, whether they be at the expense of individuals or other nations. Only a strong state could successfully conserve Germany's culture and bring stability and unity to her people.

Treitschke was a professor of history for many years at the University of Berlin, where his lectures attracted large and distinguished audiences. To all who would listen he preached the historic greatness of Germany and the exalted destiny that lay before her.[8] As an historian he was not concerned with such a pale thing as searching out the truth. Everything he said or wrote was aimed at the goal of German unification under an aggressive military leadership. Like Hegel, he often spoke of this as the true aim of liberalism and freedom. But liberty for him was always the liberty of the state, never of the individual.

In domestic affairs, Treitschke supported the Hohenzollern monarchy and an aristocratic Prussian leadership. He also advocated measures curtailing the freedom of Jews, doing much to advance anti-Semitism.

[4] W. M. McGovern, *From Luther to Hitler* (1941), p. 198. By permission of the Houghton Mifflin Company.

[5] Edmund Burke, who represented this approach in England, is discussed above, Chapter XIX.

[6] *Die Politik* (1899-1900). An English translation appeared in 1916.

[7] War, stated Treitschke, knitted a nation more closely together than anything else. "It makes it worthy of the name of nation as nothing else can, and the extension of existent states is generally achieved by conquest." *Politics* (1916), Vol. I, p. 108.

[8] F. W. Coker, *Recent Political Thought* (1934), p. 441.

The way for Treitschke had been made easier by the work of Savigny.[9] He was the leading influence in the formation of the German historical school.

As early as 1814[10] he laid down the principles which were accepted by the historical school as to the nature and origin of law. He viewed law as a creation of the collective national mind, closely interwoven with national life and character. It was the work of many generations, not the product of an arbitrary will. It evolved out of the changing social, economic, and moral conditions of the people. In contrast to the philosophical school, which desired reform in accordance with its ideals, Savigny urged the force of tradition, the danger of change, and the necessity of a careful study and understanding of historical conditions. He believed that reform should wait until science and theory had created trustworthy legal principles for the legislator. He denied that law could be made at the behest of men and aimed to overthrow the rationalism by which the eighteenth century had been distinguished. His theory of legislation was the antithesis of that of the Utilitarians. Savigny insisted upon the superiority of the life of the state to that of its individual members, and he strengthened the tendency in Germany toward a thoroughgoing absolutism. He held that the people could possess no political power unless they were organized into the state, through which they obtained personality and sovereignty. Even then, sovereignty resided in no single generation. The state included many generations in the past and others yet unborn. It sprang organically from the life and history of a nation; it resulted from a creative power working from within.

Savigny's historical conception of law became a part of the intellectual background of the nineteenth century. It met the natural-rights philosophy on its own terms. It admitted that rights were founded in nature, but it identified nature with history and held that the institutions of a nation were the crystallization of its tradition and experience. It opened the door to gradual progress in terms of nationality, but refused admission to revolutionary methods. Writers ceased to search for natural rights common to all men, or to construct ideal institutions suitable for all peoples. They sought for what was distinctive in each nation, and believed that the political organization and legal system of each state were the necessary products of the social process through which the national genius had developed.

[9] *Geschichte des römischen Rechts in Mittelalter* (1815-1831); *System des heutigen romischen Rechts* (1840-1849).

[10] *Von Beruf unserer Zeit für Gesetzgebung und Rechtswissenschaft*, written in answer to a pamphlet by Thibaut urging a new civil code for Germany.

Religion and Politics

The political philosophy that opposed the principles of the French Revolution mainly because of their anti-religious tendencies was best represented in the writings of the French Catholics, Joseph de Maistre (1753-1821),[11] the Marquis de Bonald (1754-1840)[12] and Robert de Lamennais (1782-1854).[13] Not in direct line with fascist tradition, these writers are nonetheless of interest as leading figures in the conservative reaction of the nineteenth century. Their doctrines represented the point of view of the exiled nobles and of persons who resented the hostility of the revolution to the church and the effort of Napoleon to subordinate the church to his political ambitions. They saw in the revolution only the enthronement of anarchy; in the Rights of Man, the execution of the king and the exile of the nobility; in the sovereignty of reason, the persecution of the church. They aimed to restore monarchy, to free the church from state control, and to establish the ultimate sovereignty of the papacy. They returned to the doctrines of Bossuet and held that all power is derived from God. Terrified by the anarchy of individualism in politics and in religion, they revived the doctrine of authority and of divine right. They emphasized tradition and dogma, rather than reason, believing that the will of the state should reflect the mind of God rather than the theories of men. They viewed the restoration of the Bourbon monarchy as a return to God's plan, and the French Revolution as an episode during which the nation had turned away from God.

De Maistre believed that the application of human reason to the framing of laws and constitutions was futile. Institutions should develop gradually in accordance with natural conditions; law should represent accumulated customs and traditions. Artificial schemes will never work as expected. A democratic constitution cannot make a free nation, nor a declaration of rights give a people liberty. The documents of the American and the French revolutions and the written constitutions of the period excited his scorn, as did the prevalent belief in fundamental and universal principles of governmental organization. De Maistre believed, with Montesquieu, that the laws of a people should grow out of their peculiar circumstances; and he drew upon his wide knowledge of history to find instances to support his views.

[11] In his *Essays on the Natural Laws of the Social Order; Primitive Legislation; Theory of Political and Religious Power.*

[12] In his *Considérations sur la France* (1797); *Essai sur le principe générateur des constitutions politiques* (1814); *Du Pape* (1817).

[13] In his *Essay on Indifference in Matters of Religion* (1817-1821).

At the same time, De Maistre's political philosophy was essentially medieval and theological. He believed that monarchy was essential in church and state and upheld the infallibility of the pope and the absolute sovereignty of the king as representing two phases of the divine plan for ruling the earth. Authority came from God; the state could not owe its existence to the deliberate choice of human wills. Men were not free. Only in so far as they acted in harmony with the divine will was achievement possible. Authority based upon religion was the remedy for the evils of the time; the Roman Catholic religion alone possessed the unity, the permanence, and the authority upon which order could be safely based; the pope must possess ultimate sovereignty. The ultramontanism by which the papacy sought to restore its prestige in the nineteenth century was based upon the work of De Maistre.

De Bonald discussed the state in accordance with his trinity of categories: cause, means, and effect. Family, church, and state each illustrated the three-fold principle of sovereign power, of a ministry to carry out its will, and of subjects to obey. In the state, sovereignty came from God and was represented in the monarch. The agent of the sovereign power was the nobility, whose function it was to serve the state. Passive obedience was the duty of subjects. Natural rights were little better than deceitful dreams; inequality was the law of nature. The deliberate efforts of men to create new institutions and to devise new constitutions were futile. The Bible and the established traditions should be followed. Change was viewed as an evil; religious and political uniformity was considered necessary. The doctrines of the seventeenth century and the authoritative methods of scholastic logic found their last great representative in De Bonald.

Lamennais, drawing largely upon the doctrines of Bonald, also opposed the individualism of the period and insisted upon authority based upon religion. He disliked especially the efforts of Napoleon to use the church for political ends; and after the restoration of the monarchy, he attacked the Gallican doctrine of federalism between church and state, because he believed it would result in the subordination of the church. His ideal was an ecclesiastical imperialism centering at Rome, in which the church would be independent of the state. In contrast to De Bonald and De Maistre, who were concerned chiefly with the state and who adopted the theocratic point of view to support the monarch, Lamennais had little interest in secular politics. Religion alone held his allegiance; he aimed to free the church from state control. Knowing that he could expect no support from the French monarchy or clergy, to whom the Gallican arrangement was mutually advantageous, and finally realizing that the papacy, because of complicated political considerations, was unwilling to

adopt his policy, Lamennais turned to more liberal views,[14] appealing to the people and to the collective priesthood, and urging freedom of conscience and of education. Condemned by the church, his ideas grew more radical [15] until they approached the communistic doctrines of his contemporary, Louis Blanc.

Nietzsche and Pareto

Closer to fascist doctrine were the writings of Friedrich Nietzsche (1844-1900) [16] and Vilfredo Pareto (1843-1923).[17] Nietzsche is best known for his concept of the superman which led to the idea of the super state and to such elitist organizations in Hitler Germany as the S. S. Elite Guard. He believed that a Darwinian process of evolution would ultimately divide the human race into two classes—supermen and those who were physically, morally, and mentally inferior. The domination of the first class was as inevitable as it was natural and Nietzsche's "millennium" waited only for this change to take place.

Following ideas suggested in Schopenhauer's *The World as Will and Idea*, Nietzsche [18] also placed great emphasis on the irrational element in men's lives. The world was controlled by something far more basic than reason—by the will to power. All things, he stated, were constantly struggling to overcome their natural enemies. In this struggle those with the greatest will to power succeeded in subduing their opponents who were rightfully removed from the path of social progress. Progress was in fact nothing more than this struggle for power in which only the most daring [19] and able survived.

Nietzsche had little respect for conventional ideas or morality. Through a desperate sort of genius he attacked both Christianity and democracy as servile doctrines created by servile men. Christianity thwarted the process of evolution by opposing the triumph of the strong over the weak. Democracy taught a false belief in reason and equality.

Pareto belonged to a group of Italian and Swiss university professors [20] who advanced the thesis that all organizations were in reality ruled by an inner group or elite, whether they pretended to be democratic or not. Pareto's particular contribution to this school was to demonstrate that all groups were not only organized in this fashion, but that most

[14] In his *Progrès de la Révolution* (1829).
[15] In his *Paroles d'un Croyant* (1834); *La Question du Travail* (1848).
[16] *Also sprach Zarathustra* (1883-1885).
[17] *Trattato di sociologia generale* (1916), trans. by A. Bongiorno and A. Livingston as *The Mind and Society* (1935). See especially secs. 2239 ff.
[18] Nietzsche was also influenced by a personal friendship with Richard Wagner.
[19] Nietzsche often advised his readers "to live dangerously."
[20] Others in this group were Gaetano Mosca and Robert Michels.

of their activities were controlled by irrational factors. In his major work, *The Mind and Society*, Pareto argued that the most constant factors influencing conduct were those resting on a subconscious or instinctive level. These factors included the "instinct of combinations" or desire to be a part of a larger whole, the tendency of people to protect their "status," the need of self expression, and the desire to conform to accepted sex patterns.[21]

In view of these facts, Pareto concluded that talk of democracy or constitutional government was wasted. "We need not linger," he stated, "on the fiction of popular representation—poppy cock grinds no flour." [22]

Racism

Of all the aspects of fascism thus far mentioned, none had more revolting consequences than the doctrine of racial superiority taught by Arthur de Gobineau (1816-1882) [23] and Houston Stewart Chamberlain (1855-1926).[24] Because of this doctrine untold thousands of Jews were put to death in Germany or were driven from their homes.

Gobineau, the founder of this school, was more poet than scientist, but he was not deterred by this from proclaiming a new "science" based on the inequalities of human races.

Mankind, he said, could be divided into three distinct races—Negro, Chinese, and European. Each race was marked by qualities peculiar to it and was superior or inferior to the other races in accordance with the quality compared. In regard to intellect, the Negro ranked lowest, the European highest. In artistic and musical capacity, however, Gobineau found the Negro to excel. The Chinese he believed to be practical and law abiding but incapable of producing great leaders or great geniuses.[25] The white peoples were, according to him, rich in reason, energy, resourcefulness, and creativeness,[26] but were not uniformly excellent. The Semites, for example, were "somewhat inferior to the other white groups," as they were really a combination of white and black races.[27] The purest and best of the white groups was the Aryan race which was to be found in Germany and England, and among the aristocrats of France.[28]

[21] *The Mind and Society*, secs. 888-889.

[22] *Ibid.*, sec. 2244.

[23] *Essai sur l'inégalité des races humaines* (1853-1855), trans. by Adrian Collins as *The Inequality of Human Races* (1915).

[24] *Die Grundlagen des neunzehnten Jarhunderts* (1899), trans. by John Lees as *The Foundations of the Nineteenth Century* (1911).

[25] McGovern, *op. cit.*, p. 501.

[26] *Ibid.*

[27] *Ibid.*

[28] Among whom Gobineau numbered himself.

Gobineau felt that while complete purity of race was not desirable [29] the Aryan race was being ruined by being polluted with the blood of inferior races.[30] If this process were allowed to continue, the future of civilization would be jeopardized.

Chamberlain, who was an Englishman by birth but a German by adoption,[31] popularized these views in Germany. His most famous work, *The Foundations of the Nineteenth Century,* was so widely read that it is difficult to overestimate its influence. Kaiser Wilhelm II read the book aloud to his children and was instrumental in putting copies of it into every library in Germany.

Chamberlain argued in the fashion of Gobineau that races vary as much in their characteristics as do animals. "The human races are in reality," he said, "as different from one another in character . . . as a greyhound, bulldog, poodle, and Newfoundland dog." [32] The Aryan race, and more particularly the Teutonic division of the Aryan race, has proved so superior to other races in essential qualities that all modern advances in art, science, philosophy, religion, and politics can be traced to it. The Teuton, he stated, "is the soul of our culture. . . . If we look around we see that the importance of each nation . . . is dependent upon the proportion of genuinely Teutonic blood in its population." [33] The nation having the most Teutonic blood was of course Germany. The Germanic peoples were so superior in this regard that they constituted a master race which was predestined to be the cultural and political leader of the world for centuries to come.[34]

REFERENCES

BARKER, Ernest, *Nietzsche and Treitschke, the Worship of Power in Modern Germany* (London, Oxford Univ. Press, 1914).

BORKENAU, Franz, *Pareto* (New York, Wiley, 1936).

BUTLER, Rohan, *The Roots of National Socialism* (New York, Dutton, 1942).

COKER, F. W., *Recent Political Thought* (New York, Appleton-Century, 1934), Chaps. 11-12.

HANKINS, F. H., *The Racial Basis of Civilization,* rev. ed. (New York, Knopf, 1931).

HOMANS, G. C. and CURTIS, C. P., *An Introduction to Pareto* (New York, Knopf, 1934).

JACKSON, Holbrook, *Dreamers of Dreams: the Rise and Fall of 19th Century Idealism* (London, Faber, 1948).

[29] He believed that slight mixtures of other bloods with those of the Aryan race had resulted in some of the great periods of history.

[30] McGovern, *op. cit.,* p. 502.

[31] He married the daughter of Richard Wagner.

[32] *The Foundations of the Nineteenth Century,* Vol. I, p. 261.

[33] *Ibid.,* Vol. I, p. 257.

[34] McGovern, *op. cit.,* p. 505.

LEHMAN, B. H., *Carlyle's Theory of the Hero* (Durham, Duke Univ. Press, 1928).
MCGOVERN, W. M., *From Luther to Hitler* (Boston, Houghton, 1941), Part III.
MORGAN, G. A., *What Nietzsche Means* (Cambridge, Harvard Univ. Press, 1941).
SNYDER, L. L., *Race, a History of Modern Ethnic Theories* (New York, Longmans, 1939).
SYMONS, Julian, *Thomas Carlyle* (New York, Oxford Univ. Press, 1952).
VIERECK, Peter, *Metapolitics* (New York, Knopf, 1941).

CHAPTER XXVI

Fascism

Nature of Fascism

Fascism, like communism, is essentially a reaction to Western individualism [1]—to what is considered "corrupt, hypocritical, and decadent *bourgeois* democracy." It was spawned in the economic and military strife which grew out of the apparent peace of the nineteenth century, culminating in World War I. Most Europeans had never really welcomed the disorganization of *laissez fairism.* They had never really accepted the principles of parliamentary democracy. Both seemed to work for weakness rather than strength. Strength lay in organization and organization depended on a doctrine to which everyone could adhere. It depended on a creed which could be a new "religion." The two primary tenets of fascism thus became totality and authority—the whole against the parts and "truth" against opinion.

To bring fascism to fruition, however, something more than this longing for organization and strength was needed. The forces of liberalism succumbed only to the added pressures of communism and depression.

Communism, having gained a foothold in Russia in 1917, menaced the propertied classes of both Italy and Germany and instilled fear into the hearts of thousands of white-collared, middle class people who later supported fascism. These people were afraid that democracy could not stop this new tide. First in Italy and then in Germany they became disgusted with the halfhearted measures taken by the Italian Chamber of Deputies and the Reichstag. New leadership and a different approach were needed to save Europe from the "Red Terror."

As a child of depression, fascism also developed out of squalor and

[1] This is well illustrated in an official nazi publication entitled *A Revolution in Thought* (1939), written by Otto Dietrich.

want. Men driven to hunger have little time for parliamentary procedures and talk about liberty. Consequently, when Italy faced the bleak prospect of coming out of World War I on the winning side with nothing to show for it but disastrous economic consequences, and Germany faced the burden of inflation followed by depression, conditions were at last ripe for a new political God to take the stage.

Idealism and Fascism

In one sense fascism developed a political philosophy as an afterthought. This was particularly true in Italy where Mussolini drew up the tenets of his movements as an aftermath to his political success. But in a larger sense fascism, like other political phenomena, has grown out of an ideological past to which it ultimately owes its life. The scribblings of Rousseau, interpreted by the idealists and augmented by writers like Nietzsche and Chamberlain, thus made possible the posturing of Mussolini and prepared the way for the nazi chant of "One People, One Reich, and One *Führer.*"

The ideological traditions of fascism, discussed in previous chapters, need only be summarized here: Foremost among them was the Hegelian belief in the state as the highest form of association and as the agency of fulfillment for all members of the *Volk.* Of nearly equal weight was the belief in leadership, the rare mind, and the heroic figure, come to lead the children out of the wilderness. A third factor was the growth of irrationalism, the acceptance of authoritarianism, and the rejection of democracy. The popular will expressed in free elections became the "real will" of the people caught in the spirit of the state and of the leader. Nationalism and greed for world power were also present, as was the cohesive factor of common racial hatreds.

Mussolini

The political beginnings of fascism date from 1922. In that year Benito Mussolini (1883-1945) [2] led his followers in a march on Rome, bent on seizing control of the government. He could easily have been turned back by the army or even the police, but forces previously mentioned conspired to assure his success. On his arrival he was asked by the king to form a government. During the ensuing years he consolidated his position by brutally eliminating all opposition. The trade unions came under his control as did the parliament. By 1932 he felt secure

[2] *The Doctrine of Fascism* (1932). This early statement of fascist theory was written by Mussolini for the *Enciclopedia Italiana.*

enough to turn his attentions to other things, bringing forth *The Doctrine of Fascism* as the official apology for the actions he had taken.

In general form this doctrine was a reaction to the two competing doctrines which the fascists faced. Since their "chief opponents, the Marxists, were self-proclaimed materialists, fascism must stand for an exalted form of political idealism. Since the Marxists held all forms of politics to be a reflection of economic relations, fascism must regard the state as the leader and director of the industrial system." [3] And since Marx had taught progress through class warfare, fascism must teach progress through being a cog in the all-inclusive state.[4] Against their other opponents, the democrats, prating about freedom must be met by a higher form of freedom. And old-fashioned and inefficient theories of parliamentarism must be replaced by a new form of society based on corporate organization.

These views were set down by Mussolini in the first section of *The Doctrine of Fascism:*

> The world seen through Fascism is not this material world which appears on the surface, in which man is an individual separated from all others and standing by himself, and in which he is governed by a natural law that makes him instinctively live a life of selfish and momentary pleasure. The man of Fascism is an individual who is nation and fatherland, which is a moral law, binding together individuals and the generations into a tradition and a mission, suppressing the instinct for a life enclosed within the brief round of pleasure in order to restore within duty a higher life free from the limits of time and space: a life in which the individual, through the denial of himself, through the sacrifice of his own private interests, through death itself, realizes that completely spiritual existence in which his value as a man lies.[5]

Fascism, he continued, is a reaction against the flabby doctrines of the nineteenth century. It "desires an active man, one engaged in activity with all his energies: it desires a man virilely conscious of all difficulties" that face him.[6] "Life, therefore, is serious, austere, religious.... The Fascist disdains the comfortable life." [7]

More than this, fascism is a "Will that transcends the particular individual and raises him to conscious membership of a spiritual society." [8] It is also an historic conception. "Outside history man is nothing." [9] The

[3] G. H. Sabine, *A History of Political Theory* (1937), p. 748.
[4] *Ibid.*
[5] Translated by Michael Oakeshott, *The Social and Political Doctrines of Contemporary Europe* (1949), p. 164. By permission of the Cambridge University Press.
[6] *Ibid.*, p. 165.
[7] *Ibid.*
[8] *Ibid.*
[9] *Ibid.*

individual is important only as he plays his part in the state which is the

> conscience and universal will of man in his historical existence. . . . Liberalism denied the State in the interests of the particular individual; Fascism reaffirms the State as the true reality of the individual. . . . Therefore, for the Fascist, everything is in the State, and nothing human or spiritual exists, much less has value, outside the State. In this sense, Fascism is totalitarian, and the Fascist State, the synthesis and unity of all values, interprets, develops and gives strength to the whole life of the people.[10]

Fascism is also opposed to socialism which teaches class conflict, ignoring the unity of classes under one leader.[11] It likewise opposes democracy. Democracy makes the mistake of equating the nation with the numerical majority. The nation must be conceived of qualitatively, not quantitatively. It must be conceived of as the "most powerful idea which acts within the nation as the conscience and the will of a few, even of One." [12]

Fascism is finally a will to power which recognizes that the state dies if its expansion is arrested.

> Therefore the State is not only the authority which governs and gives the form of laws and the value of spiritual life to the wills of individuals, but it is also a power that makes its will felt abroad, making it known and respected, in other words, demonstrating the fact of its universality in all the necessary directions of its development. It is consequently organization and expansion, at least virtually. Thus it can be likened to the human will which knows no limits to its development and realizes itself in testing its own limitlessness.[13]

German Fascism: National Socialism

These ideas, which sound so strange and even frightening to us, did not seem so discordant to millions of Germans. They had been prepared by a hundred years of philosophy, by war, by depression, by communism in Russia, and by weak government to accept a similar ideology, known in Germany as national socialism.

The *Nationalsozialistische Deutsche Arbeiterpartei*, as Adolf Hitler's (1889-1945) [14] party was officially called, was founded in 1919. In the beginning it was only one of many dissident factions competing for the loyalties of the disillusioned. Under Hitler's leadership, however, and because of his genius for organization and a frenzied form of oratory, the party soon outstripped its competitors. It established branches through-

[10] *Ibid.*, p. 166.
[11] *Ibid.*
[12] *Ibid.*, p. 167.
[13] *Ibid.*, pp. 167-168.
[14] *Mein Kampf* (1925-1927), especially Vol. I, Chap. 11; Vol. II, Chaps. 1, 2, 4. English translations appeared in 1939.

out Germany, founded a newspaper, and formed a quasi-military organization known as the Storm Troopers.[15]

Led on by initial success Hitler undertook his ill-fated Munich *Putsch* in 1923. For his trouble he was sentenced to a term in the prison fortress of Landsberg-am-Lech where most of *Mein Kampf* was written. On being pardoned in December, 1924, Hitler found his movement in pieces and Germany enjoying a period of prosperity not conducive to change. Until 1930 his party made little progress, but the depression of that year quickened interest in national socialism. The nazis elected 107 deputies to the Reichstag in the September, 1930, election, and in the presidential election of March, 1932, Hitler received over 13,000,000 votes. In January, 1933, Hitler was named chancellor by Hindenburg, who had been convinced that Hitler alone could remove the spectre of communism.

Once in power Hitler lost no time solidifying his position. He blamed the communists for the burning of the Reichstag, and on a wave of reaction he defeated the democratic parties in the election of March, 1933. With Hindenburg's death, the way was clear for his unquestioned ascendance to power. In 1934 the Third Reich was proclaimed, parliamentary institutions were dissolved, and Hitler named himself *Reichsführer.*

The Master Race

The two most authoritative statements of nazi ideology appear in Hitler's *Mein Kampf* and in Alfred Rosenberg's *Der Mythus des 20. Jahrhunderts.* Of the two, the latter is infinitely more clear and to the point. Of *Mein Kampf,* one observer remarks that no autobiography in history can match its fantastic qualities. "Reading it we are in a universe of grotesque proportions—a nightmare Wonderland in which we are all Alices watching the distorted perspectives. World movements like Christianity, socialism, democracy, are reduced to items in the ego-displacement of a little Austrian water-color dauber. Whole nations and continents become the stamping-ground for his restless personality. His tastes and traumata are expanded into universals to decide the destiny of millions." [16] Hitler in truth gives little reasoned thought to the basic principles of national socialism in *Mein Kampf.* His primary interest is to trace the growth of national socialism from its inception and to describe the role he personally played in its development. In a chapter entitled "People and Race" [17] Hitler does, however, discuss one subject at length

[15] W. M. McGovern, *From Luther to Hitler* (1941), pp. 603-604.

[16] Max Lerner, *Ideas Are Weapons* (1939), p. 356. By permission of The Viking Press.

[17] Vol. I, Chap. 11.

—his concept of the master race—and this becomes the key to much else contained in his writings.

Building on the principles of social Darwinism and on the racial theories of Gobineau and Chamberlain, Hitler reordered the foundations of political philosophy. History was not a struggle of emancipation for the individual. It was not a struggle of class against class. It was the unfolding of the genius of a superior race—the Aryan race. Out of the chaos of races which were struggling for survival, the races which were most pure [18] were certain to be the strongest. And by far the purest was the Aryan race or more particularly the Aryan race as it existed in Germany.[19] This race was so in advance of other races in this respect that it constituted civilization's only hope of survival. Every time this race mixed with inferior races, alarming results followed.

> Historical experience offers countless proofs of this. It shows with terrifying clarity that in every mingling of Aryan blood with that of lower peoples the result was the end of the cultured people. North America, whose population consists in by far the largest part of Germanic elements who mixed but little with the lower colored peoples, shows a different humanity and culture from Central and South America, where the predominantly Latin immigrants often mixed with the aborigines on a large scale. By this one example, we can clearly and distinctly recognize the effect of racial mixture. The Germanic inhabitant of the American continent, who has remained racially pure and unmixed, rose to be master of the continent; he will remain the master as long as he does not fall a victim to defilement of the blood.[20]

It is the will of nature, concluded Hitler, that distinctions in races be kept, because transgressions are always punished with inferiority.

Races are not only to be kept distinct, but some are manifestly superior to others apart from the question of purity. Of these the Aryan race is again outstanding. "All the human culture, all the results of art, science, and technology that we see before us today, are almost exclusively the creative product of the Aryan." [21] Examination of other races shows the fact that none are creators: they are only sustainers. Something like the following picture of their development always results:

[18] *Mein Kampf*, pp. 284 ff. References are to the 1943 English translation by Ralph Manheim, published by the Houghton Mifflin Company. By permission.

[19] Hitler was willing to concede a certain superiority to all branches of the Aryan race, but he felt that the purest Aryan stock existed in Germany. The Germans were consequently the ultimate racial group.

[20] *Mein Kampf*, p. 6.

[21] *Ibid.*, p. 290. Rosenberg stated in *Der Mythus des 20. Jahrhunderts* that "the meaning of world history has radiated out from the North over the whole world, borne by a blue-eyed blond race which in several great waves determined the spiritual face of the world." p. 114.

Aryan races—often absurdly small numerically—subject foreign peoples, and then, stimulated by the special living conditions of the new territory (fertility, climatic conditions, etc.) and assisted by the multitude of lower-type beings standing at their disposal as helpers, develop the intellectual and organizational capacities dormant within them. Often in a few millenniums or even centuries they create cultures which originally bear all the inner characteristics of their nature, adapted to the above-indicated special qualities of the soil and subjected beings.[22]

But eventually, Hitler warned, the conquerors violate the fundamental rule of racial purity. They intermingle with inferior races, even as they are today intermingling in Germany with the Jews. This must be stopped.

To Hitler, as to Rosenberg, the Jew was the incarnation of all that was wrong with Germany. The Jews were defiling the race. They were conspiring in international intrigues against Germany. They were greedily lapping up all profits and property. For true nazis, the Jew was the common enemy. He welded their movement together by giving it a common hatred which knew no bounds.[23] In one of history's most inhuman demonstrations the nazis undertook to drive all Jews from Germany or literally to exterminate them. And when cries arose in England and the United States against such action, the nazis replied that objections to their policy of anti-Semitism were too stupid to demand refutation. The Jews were little better than parasitic animals which must be wiped out. As long as one Jew remained in Germany, the world's greatest culture was in danger because "History demonstrates that all nations receiving the Jews among themselves and giving them the same rights sooner or later perish from the Jewish poison."[24]

[22] *Mein Kampf*, pp. 291-292.

[23] Frederick Watkins comments that this attack was especially effective in welding the lower middle class together as a bulwark of fascism. "For desperate members of the lower middle classes, eager to bolster up their threatened sense of social superiority, the idea of belonging to the master race, and the possibility of joining a permanent party elite, were definitely beguiling. By destroying the Jews, whose competition was most keenly felt by small shopkeepers, professional men, and other middle-class elements, and by reducing the Marxist-indoctrinated proletariat to impotence, fascist movements promised an immediate improvement in the social and economic position of the middle classes, while the prospect of future imperial expansion, with its vista of innumerable administrative and other white-collar jobs for members of the master race, gave room for even brighter long-range ambitions." *The Political Tradition of the West* (1948), pp. 337-338. By permission of the Harvard University Press.

[24] Rolf Tell, ed., *Nazi Guide to Nazism* (1942), pp. 114 ff. Later, during World War II, the racial doctrines of the nazis were made to appear as ridiculous as they actually were when the Italian and Japanese peoples were suddenly raised to a new status as "superior" races.

Der Führer and the Totalitarian State

A second aspect of national socialism which deserves mention is the principle of personal leadership. In the person of the *Führer,* Adolf Hitler, all elements in German society were expected to find a common bond. He was to be the infallible leader who would catch the spirit of the people.

An excellent exposition of this principle is contained in a work by Ernst Huber entitled *Verfassungsrecht des grossdeutschen Reiches,*[25] published in 1939. Huber makes it clear that a leader is necessary because "the true will of the people cannot be disclosed through parliamentary votes." [26] In its pure and uncorrupted form, the will of the people or *Volk* can only be expressed through the *Führer.*[27] The will of the people in democracies represents in reality only a clash of selfish interests. In the Third Reich the collective will, expressed through the leader, represents the objective, historical greatness of the German people. Selfish interests are lost in the common interest.

> The Führer is no 'representative' of a particular group whose wishes he must carry out. He is no 'organ' of the state in the sense of a mere executive agent. He is rather himself the bearer of the collective will of the people. In his will the will of the people is realized. He transforms the mere feelings of the people into a conscious will. . . . Thus it is possible for him, in the name of the true will of the people which he serves, to go against the subjective opinions and convictions of single individuals within the people if these are not in accord with the objective destiny of the people. . . . He shapes the collective will of the people himself and he embodies the political unity and entirety of the people in opposition to individual interests.[28]

In the *Führer* all authority was to be centered. It was he who was to make all laws and set up the "great ends which were to be attained." It was he who was to make all plans for the utilization of the powers of the nation. In this great work the *Führer* rightfully expected and must receive the total coöperation of the German people. Nothing was to be beyond the power of the state because everything must be bent to the single purpose of German greatness. Education, industry, culture were all a part of the nation's strength and so must come under the control of the

[25] *Constitutional Law of the Greater German Reich.* References to this work are to excerpts contained in a State Department publication entitled *National Socialism* (1943).

[26] *Ibid.,* p. 34.

[27] *Ibid.*

[28] *Ibid.,* p. 35. Compare Rousseau's discussion of the general will in the *Social Contract.*

government. No form of organization, be it religious or political, had any right of existence except as a part of the total scheme. Regimentation was complete.

From a period of democratic government under the Weimar constitution the German government became in less than ten years one of the most authoritarian, total governments in human history. And in spite of all our wishes to the contrary, the people of Germany seemed to have had few regrets.

Anti-Intellectualism and the Artist in Politics

If the nazis had little regard for constitutional government, they had even less regard for Western "intellectualism." "One energetic man," stated Hitler, "is worth more than a thousand intellectual babblers who are useless waste products of the nation." [29] The nazis rightly suspected the intellectuals. The doctrines of national socialism could stand little scrutiny even from "babblers." Nazism depended instead on mass emotions which could be controlled by Hitler and Goebbels. What better then, than a philosophy based on action rather than thought, on emotion rather than reason!

Philosophic support for these views was not difficult to find. Rousseau's distrust of reason and the revolt against reason of the nineteenth century [30] were only a step removed from the familiar nazi cry, "We think with our blood." Against Western intellectualism, national socialism turned therefore with relative ease to another set of principles. These were the genius of the great leader, the strength of primitive emotions, and the creativeness and "assertiveness of will and action." [31]

The nazis contrasted their philosophy with "barren intellectualism" as being "creative rather than critical, profound rather than superficial, natural rather than conventional, uncontrollable and demonic rather than methodical." [32] Discussion and examination of evidence were "bourgeois virtues beneath the dignity" of the New Order.[33] It is a principle of national socialism, stated Hitler, that some things are beyond discussion. "Who dares with his small average brain" to discuss eternal values. These things are to be judged by the centuries, not by the "intellect of small ordinary beings." [34] It is better, Hitler argued, to give yourself in loyalty

[29] Speech before Reichstag, January 30, 1939. Quoted by Tell, *op. cit.*, p. 48.
[30] See above, Chapter XXV.
[31] G. H. Sabine, *A History of Political Theory*, rev. ed. (1950), p. 865.
[32] *Ibid.*
[33] *Ibid.*
[34] From a speech made by Hitler at the opening of the Architecture Exposition, Munich, January 22, 1938. Quoted by Tell, *op. cit.*, p. 49.

to the common cause and to be led beyond your own small reason by the genius and artistry of the leader.

The nazi leaders were convinced that they had captured something beyond reason—the "art of politics," which they alone understood. Hitler believed that he was the greatest of all artists, creating by his mastery a great nation out of the masses which he despised. He believed that politics without art lacked inspiration and inspiration was everything. Leaders without a feeling for art were always second-rate. Hitler once stated, thinking largely of himself, that "He who is called by Providence to reveal the soul of a people to the world around . . . suffers beneath the power of the almighty driving force which is his master, he will speak, even if the world does not understand, or has no wish to do so, he will suffer all things, rather than even once prove unfaithful to the star which burns within his breast and leads him on." [35]

Practical men have long been wary of the theorist in politics. Today, with the advent of fascism, they are faced with a new and much more frightening spectre—the artist in politics.

Lebensraum

From theories of the blood, from the leader in a totalitarian state, and from the artist in politics, the nazis turned finally to a theory of the soil. This was best expressed by the term *Lebensraum.* It was based on the goal of a Germanic state situated in the "heartland" of Europe and surrounded by a ring of conquered non-Germanic states.[36]

For decades this notion had been festering in the German mind. The geopolitics of Ratzel, Kjellen, and Haushofer had given currency to the belief that a nation is a living organism which must expand or die. To realize its historical destiny it needed living space or *Lebensraum* in which to grow. Friedrich Ratzel (1844-1904) [37] stated in his now famous *Political Geography* that a nation's growth was conditioned more by geography than by political organization. The dynamics of history were to be explained by the struggle for living space among the world's cultural areas. Rudolf Kjellen (1864-1922),[38] a Swedish political scientist, popularized these views in Germany by outlining a plan of German conquest—as the nation best suited to win in this struggle for space. While

[35] Speech before National-Socialist Party Congress, 1933. Quoted in Richard Monnig, ed., *Adolf Hitler from his Speeches* (1938).

[36] Sabine, *op. cit.*, p. 891.

[37] *Anthropogeographie* (1882-1891); *Politische Geographie* (1897).

[38] *Stormakterna* (1905); *Staten som lifsform* (1916); *Grundriss zu einem System der Politik* (1920).

Karl Haushofer (1869-1946) [39] became the official nazi apologist for geopolitics by developing the "heartland" idea of the British geographer, H. J. Mackinder. Mackinder had warned Britain that the *maritime* powers, would lose to the *land* powers in any struggle for domination if Germany or Russia were allowed to control Europe's heartland, an area including Eastern Europe and Western Asia. "Who rules this area," cautioned Mackinder, "commands the Heartland. Who rules the Heartland commands the World-Island [Europe, Asia, and Africa]. Who rules the World-Island commands the World." [40] To Haushofer, the moral was clear. Germany's future lay toward the east. If she were successful there, her horizon would be limitless.

Under Haushofer's prompting, the nazis accepted this as the official party line. Hitler wrote in *Mein Kampf* that the duty of the foreign policy of a racial state was to safeguard the existence of that race. This could best be done in Germany's case by enlarging the state's territory [41] at the expense of nations toward the east. Germany previously had made the mistake of expanding south and west. Germans, Hitler said, must direct their eyes toward Europe's heartland. "We can . . . have in mind only Russia and her vassal border states." [42]

The nazis accepted other aspects of these doctrines with equal relish. They not only provided the answer to the problems of over-population,[43] but they complemented their racial theories. Believers in the superiority of the German race were by implication committed to two further policies. One was that all Germans must be liberated from foreign domination and incorporated into a greater Germany.[44] The second was that inferior races must be brought under the control of the Germanic race and made to do its bidding. Germany's world mission thus became that of the greatest of imperial powers, carrying culture and organization to inferior peoples. Through war, conquest, and "space politics" Germany was destined to rule the world.

The Future of Fascism

There is great comfort in the fact that war prevented these aims from being realized. But it would be a mistake to think that fascism is now dead. Fascism represents an aspect of a fundamental problem we have not

[39] See the *Zeitschrift für Geopolitik*, a publication which Haushofer controlled.
[40] *Democratic Ideals and Realities* (1919), p. 150.
[41] *Mein Kampf*, pp. 642-643.
[42] *Ibid.*, p. 654.
[43] See Rudolf Frercks, *German Population Policy* (1938).
[44] Franz Neumann, *Behemoth* (1944), p. 130.

yet solved. Western liberalism has created a form of individualism which has in large measure replaced community, authority, and purpose. It has given men their freedom, but it has left them alone without the comforts of belonging, without the guidance which makes individual decisions unnecessary, and without gleaming goals to call men on. Liberalism has also suffered from the apparent weaknesses of interminable discussion, constitutional procedures, and corruption and inefficiency. Italians used to boast that at least the trains ran on time under Mussolini.

To countless millions liberalism seems so expensive that few people are willing or able to pay the price. We are willing, but are the Germans and Italians even yet? Ideas existing in the minds of men are never defeated by war. And at this writing there is little reason to believe that Germany or Italy [45] has developed a genuine desire to renounce dictatorship. Fascism, in truth, awaits only a greater swing to the right in opposition to communism to re-emerge as a formidable force.

REFERENCES

BAYLES, W. D., *Caesars in Goose Step* (New York, Harper, 1940).

CHANDLER, A. R., *Rosenberg's Nazi Myth* (Ithaca, Cornell Univ. Press, 1945).

COBBAN, Alfred, *Dictatorship* (New York, Scribner, 1939).

DIETRICH, Otto, *A Revolution in Thought* (Berlin, Terramare, 1939).

EBENSTEIN, William, *Fascist Italy* (New York, American Book, 1939).

———, *The Nazi State* (New York, Farrar and Rinehart, 1943).

FRERCKS, Rudolf, *German Population Policy* (Berlin, Terramare, 1938).

KNELLER, G. F., *The Educational Policy of National Socialism* (New Haven, Yale Univ. Press, 1941).

LERNER, Max, *Ideas Are Weapons* (New York, Viking, 1939), Part III, Chap. 9.

LICHTENBERGER, Henri, *The Third Reich* (New York, Greystone, 1937).

MATTHEWS, H. L., *The Fruits of Fascism* (New York, Harcourt, 1943).

MCGOVERN, W. M., *From Luther to Hitler* (Boston, Houghton, 1941), Part IV.

MONNIG, Richard, ed., *Adolf Hitler from His Speeches* (Berlin, Terramare, 1938).

MONTAGUE, M. F. A., *Man's Most Dangerous Myth: The Fallacy of Race* (New York, Columbia Univ. Press, 1942).

NEUMANN, Franz, *Behemoth* (New York, Oxford Univ. Press, 1944).

NEUMANN, Sigmund, *Permanent Revolution* (New York, Harper, 1942).

PITIGLIANI, F., *The Italian Corporative State* (New York, Macmillan, 1935).

SABINE, G. H., *A History of Political Theory*, rev. ed. (New York, Holt, 1950), Chap. 35.

SCHINNERER, Erich, *German Law and Legislation* (Berlin, Terramare, 1938).

SCHMIDT, C. T., *The Corporate State in Action: Italy under Fascism* (New York, Oxford Univ. Press, 1939).

[45] Fascism continues in Spain as well. And in South America it is gaining new adherents almost hourly.

SCHUMAN, F. L., *Hitler and the Nazi Dictatorship*, 3rd ed. (London, Hale, 1936).

———, "The Political Theory of German Fascism," *American Political Science Review*, Vol. 28 (April, 1934).

TELL, Rolf, ed., *Nazi Guide to Nazism* (Washington, American Council on Public Affairs, 1942).

U.S. State Department, *National Socialism* (Washington, Government Printing Office, 1943).

WATKINS, Frederick, *The Political Traditions of the West* (Cambridge, Harvard Univ. Press, 1948), Chap. 11.

PART VII

The Legacy of Marx

CHAPTER XXVII

Communism

The Life and Works of Marx and Engels

Communism, which we may define as a philosophy of history based on a materialistic conception of human development, owes its beginnings to Karl Marx and Friedrich Engels. They are now revered, together with Lenin and Stalin, as the prophets of a new gospel based not on brotherly love, but on the dogmas of class conflict and revolt.

Marx (1818-1883) was born in Treves, Germany, the son of a Jewish lawyer who became converted to Christianity. As a university student he gave early evidence of the brilliant mind and dogged perseverance for which he is now famous. He immersed himself in the philosophy of Hegel and in the history of Savigny. He wrote volumes of poetry to "his Jenny," a beautiful girl with an aristocratic background whom he later married. And he completed a doctoral dissertation on the materialistic philosophy of Epicurus.

From his study of Hegel he had already perceived what he considered a basic fallacy in idealistic thinking. For Hegel the mainspring of history was the unfolding of the "world idea" or "absolute spirit." For Marx the meaning of history lay in the material world about him. In a letter to his father he wrote that "A curtain had fallen, my holy of holies [Hegel] had been shattered, and new gods had to be found for the vacant shrine. Setting out from idealism . . . I proceeded to seek for the idea in the real itself. If in earlier days gods had dwelt above the world, they now became its centre." [1] Hegel's "grotesque craggy melody" was unpleasing. "I wished," he stated, "to dive into the ocean again . . . to bring pure pearls into the sunlight." [2]

[1] Quoted by Otto Rühle, *Karl Marx: His Life and Work* (1929), pp. 20-21. This is the standard biography of Marx. By permission of The Viking Press.

[2] *Ibid.*

Marx would have liked to follow an academic career, but his views proved too radical for university authorities, leading him instead into the field of journalism. In 1842 he became the editor of a newspaper in Cologne, but his radical views, this time on the subject of religion, again hastened his departure for Paris. Marx chose Paris because he wished to know more about French socialism. He had heard a great deal about men like Proudhon and Blanc, but on his arrival in Paris he became quickly disillusioned. The French socialists had created a dissatisfaction with capitalism, but they had not been able to give socialism a philosophy or a program. Laski states that the vital fact about Marx was that he found socialism "a chaos and left it a movement. . . . Through him . . . it became an international organization laying continuous emphasis upon the unified interest of the working classes of all countries." [3] Marx, unlike most French socialists, believed that theory and practice had to meet in political action if the conditions of the working class were ever to be improved. The proletariat was lost without theory, but theory was as surely lost without the proletariat. To socialists who disdained politics, Marx replied that it was not enough to announce a new theory and expect everyone to bow down. The real struggle was down in the street where victory alone could be won.

While still in Paris, Marx renewed an acquaintance with Friedrich Engels (1820-1895), beginning one of history's most famous partnerships. Engels at twenty-four was only two years younger than Marx and came from a similar background. He was employed as a manager in one of his family's cotton mills, but for him this merely provided an income necessary to sustain his intellectual and political interests. Factory and slum conditions in England, where most of his later life was spent, so troubled him that he had already accepted the tenets of revolutionary socialism before he met Marx. His quick mind and ready understanding led Marx to write to him "you know that I am slow to grasp things, and that I will always follow in your footprints." [4] Engels for his part discounted his own importance to this partnership, writing that he was glad to do what he "was meant for, to play second fiddle" to Marx's exceptional genius.[5] Which of them played the greater part, it is difficult to say. The books they wrote together were a joint product in every sense. And Engels would probably have become famous had Marx never lived. But history has chosen to give Marx the greater credit, ascribing to Engels the role of junior partner.

In 1845 Marx was banished from Paris at the insistence of the Prussian

[3] H. J. Laski, *Communism* (1927), p. 22.
[4] Gustav Mayer, *Friedrich Engels* (1936), p. 57.
[5] *Ibid.*

government. He went first to Brussels, where the *Communist Manifesto* was written; then to Cologne, where he edited a revolutionary newspaper; and finally to England, where the remainder of his life was spent.

England has often been called the Mother of Exiles, but she was never very good to Marx. During his years there he experienced first hand the poverty and distress about which he wrote. He lived with his large family in a two-room flat. His wife was often ill and in later life he was himself unwell. Food was scarce and Marx was able to continue only because of the generosity of his friend Engels. Rühle recounts that his life was a succession of unpaid bills, illness, and worse misfortune. In a letter to a friend Marx's wife wrote:

> Let me describe only one day of this life, as it actually was, and you will see that perhaps few other refugees have had to suffer as much. Since wet-nurses are exceedingly expensive here, I made up my mind, despite terrible pains in the breasts and the back, to nurse the baby myself. But the poor little angel drank in so much sorrow with the milk that he was continually fretting, in violent pain day and night. Since he has been in the world, he has not slept a single night through, at most two or three hours. Of late, there have been violent spasms, so that the child is continually betwixt life and death. . . . One day I was sitting [nursing the poor dear] when our landlady suddenly appeared. In the course of the winter we had paid her more than two hundred and fifty thalers, and then it had been agreed that in future we were not to pay her but her landlord, who had put in an execution. Now she repudiated this agreement, and demanded the five pounds which we still owed her. Since we could not pay this sum instantly, two brokers came into the house, and took possession of all my belongings—bedding, clothes, everything, even the baby's cradle and the little girls' toys, so that the children wept bitterly. They threatened to take everything away in two hours. If this had happened, I should have had to lie on the floor, with my freezing children beside me, and with my aching breast. Our friend Schramm hastened forthwith to seek help. He took a cab, the horses fell down, he jumped out, and was brought back into the house bleeding, the house where I was lamenting and my poor children were trembling.[6]

But even in the face of such hardships Marx continued his unrelenting efforts to "free the working classes from the bondage of capitalism." He worked long hours in the British Museum developing the economic theories of *Capital.* Through voluminous correspondence he maintained a position of leadership in the socialist movement. He wrote numerous pamphlets defending himself and criticizing his opponents. He sold a series of articles to the *New York Tribune,* then edited by Horace Greeley. And with Engels he founded the first International Working Men's Association in 1864. Poverty and struggle perhaps became him because in the end he achieved his ambition to "unleash the forces of history."

[6] Rühle, *op. cit.,* pp. 202-203.

The two most important works published by Marx were the *Communist Manifesto* and *Capital.* The *Communist Manifesto,* written with the aid of Engels, has been called the best thing Marx ever did.[7] For force and clarity it has few competitors. As an instrument of propaganda it has none. It concludes with the words "Communists scorn to hide their views and aims. They openly declare that their purpose can only be achieved by a forcible overthrow of the whole extant social order. Let the ruling classes tremble at the prospects of a communist revolution. Proletarians have nothing to lose but their chains. They have a world to win. Proletarians of all lands, unite!"

Capital was planned by Marx as his life's work. He wrote to a friend that he had sacrificed comfort, happiness, and even his family to this *magnum opus.* To all but the most intent reader, the work will seem ponderous; yet for the true Marxist, *Capital* remains the "gospel" of communism. It is filled with a unique combination of theory, description, and analysis. A most abstract analysis of surplus value is followed by a detailed description of the operations of a Manchester carding machine operator. *Capital* consists of three volumes, the first published in 1867. The other volumes were edited and published by Engels after Marx's death.

Other works deserving mention include the *Poverty of Philosophy, Contribution to the Critique of Political Economy,* and *Eleven Theses on Feuerbach.* The *Poverty of Philosophy* was published in 1847 as an answer to Proudhon's *Philosophy of Poverty* and is a thorough-going indictment of utopian socialism. Marx accuses Proudhon of thinking like a peasant with no understanding of history or economics. The *Critique of Political Economy,* published in 1859, is noteworthy as the only work containing an explicit statement of Marx's doctrine of historical materialism. We will have cause to turn to this statement shortly. The *Eleven Theses on Feuerbach* (1845) sets forth Marx's philosophical materialism. He concludes that philosophers have only interpreted the world in various ways, but the real task is to alter it.

From Hegel to Marx

The theory of communism was derived by Marx and Engels from a curious mixture of German idealism, English economics, and French revolutionary and social thought. Marxism rests first on the doctrines of historical materialism and class warfare, which are closely related to

[7] Bertrand Russell, *Freedom versus Organization* (1934), p. 181.

Hegelian philosophy. It depends secondly on Marx's theory of surplus value, which is based on English classical economics. And it contains lastly elements of the French Revolution and of French socialism in its theory of progress through revolt and its assumptions concerning the withering away of the state.

To understand what Marx meant by the first of these terms, historical materialism, it is necessary to know something about Hegel and his use of the dialectical method. Marx, though he rejected the substance of Hegel's philosophy, adopted the dialectical method as the context for his historical materialism. For Hegel [8] history gained its meaning from the interaction of ideas which alone were real. History depended upon the gradual unfolding of the "world spirit" or "absolute idea" according to a divine plan which was imminent in the universe. Ideas struggled with other ideas for dominance, and out of the dynamics of struggle arose new ideas corresponding more closely to the ultimate perfection of God himself.

No idea, in consequence, could be considered static or complete. All things were in a state of flux (or what Hegel called a state of becoming). Every idea (thesis) because of its incompleteness or inherent contradictions led naturally to its opposite (antithesis). And from the two there emerged the truth embraced by both (synthesis).[9] The resulting synthesis then became a new thesis, and the process repeated itself in an unending chain.[10]

Marx agreed that history unfolded according to a dialectical plan, but he did not believe the controlling factors to be ideas. Hegel, he declared, had turned history on its head. *Ideas* did not control reality. They were rather the result of *material* conditions. In a famous passage in *Capital* he stated, "To Hegel . . . the process of thinking, which, under the name of 'the Idea,' he even transforms into an independent subject, is the demiurgos [creator] of the real world, and the real world is only the external, phenomenal form of 'the Idea.' With me, on the contrary, the ideal is nothing else than the material world reflected by the human mind, and translated into forms of thought." [11] Marx believed that all things depend upon material conditions and that this provides the real clue to the working of the dialectic. In the interaction of thesis, antithesis, syn-

[8] See above, Chapter XXIV.

[9] Hegel thus denied formal logic which is based on the law of contradictions. (A thing is proved untrue by demonstrating its opposite.) Hegel asserted that reality is not static. All things are in a state of becoming. So that which is, is becoming.

[10] Hegel believed the process would be completed only when the "absolute idea" itself was reached.

[11] *Capital*, Vol. I, p. 25. References are to the Kerr edition (1926). By permission.

thesis, and thesis, the dominant factors are material in nature and arise out of the relation of man to the means of production.

Historical Materialism

Marx argued that two basic factors are to to found in every society. They are the material forces of production and the knowledge necessary to their use. These form the "conditions of production." To utilize effectively these conditions of production, society becomes organized into what Marx calls the "relations of production." These are always dependent on the conditions of production and are to be found in the property relationships of any society. In a capitalist society, to illustrate, the effective use of the conditions of production implies the protection of private property and the existence of a large class of wage laborers. It also implies certain legal, political, religious, and philosophical forms reflecting basic economic relations.[12] But to continue in Marx's own words:

> In the social production which men carry on they enter into definite relations that are indispensable and independent of their will; these relations of production correspond to a definite stage of development of their material powers of production. The sum total of these relations of production constitutes the economic structure of society—the real foundation, on which rise legal and political superstructures and to which correspond definite forms of social consciousness. The mode of production in material life determines the general character of the social, political and spiritual processes of life. It is not the consciousness of men that determines their existence, but on the contrary, their social existence determines their consciousness. At a certain stage of their development, the material forces of production in society come in conflict with the existing relations of production, or—what is but a legal expression for the same thing—with the property relations within which they had been at work before. From forms of development of the forces of production these relations turn into their fetters. Then comes the period of social revolution. With the change of the economic foundation the entire immense superstructure is more or less rapidly transformed.

It should be observed, however, that

> no social order ever disappears before all the productive forces, for which there is room in it, have been developed; and new higher relations of production

[12] "In acquiring new productive forces," Marx stated, "men change their mode of production, and in changing their mode of production, their manner of gaining a living, they change all their social relations. The windmill gives you society with a feudal lord; the steam mill, society with the industrial capitalist." *The Poverty of Philosophy* (1847), p. 119. References to this work are to the Quelch translation published by the Twentieth Century Press (1900).

never appear before the material conditions of their existence have matured in the womb of the old society. Therefore, mankind always takes up only such problems as it can solve; since, looking at the matter more closely, we will always find that the problem itself arises only when the material conditions necessary for its solution already exist or are at least in the process of formation.[13]

The four broad stages through which society had evolved were designated by Marx as Asiatic, ancient, feudal, and *bourgeois*. Each had been characterized by antagonisms resulting from the forces of production outrunning the relations of production. But in each case this disharmony was overcome by a solution which was engendered through conflict.

The Class Struggle

Although this conflict took many forms, it was in essence an unrelenting struggle between opposing classes—between those who had benefited from the old relations of production and those who were to benefit from the new and expanding forces of production. Marx believed that every society is divided into oppressors and oppressed and that "The history of all hitherto existing societies is the history of class struggle."[14] This is particularly true of the *bourgeois* epoch. Modern capitalism develops its full powers only through creating a large proletarian class which depends wholly on wages for its livelihood. The capitalist needs a reservoir of manpower which he can hire at the going price in the same sense as a miller purchases wheat. Modern capitalism also depends on a lust for profits which heightens the class problem. Capitalist lust is insatiable and the accumulation of profit is only a spur to gain greater profits. Consequently history must record the few getting richer and the proletariat becoming poorer and more numerous as weaker members of the owning class are broken by their stronger brothers and forced into the proletariat.

As this happens, however, the exploited class begins to solidify and to become conscious of its own size and importance. It becomes acutely aware of its poverty compared to the increasing riches of the owning class. And with the aid of the social philosopher (Marx) it is led to the realization that it is producing all of society's material goods, but receiving in return only a meager share of the goods produced. Marx discusses this latter problem at great length in *Capital*.

[13] *Critique of Political Economy* (1859), pp. 11-13. International Library edition (1904). As this is the only statement of this doctrine which Marx ever committed to print, it is quoted at length.

[14] *Communist Manifesto* (1848), p. 8. References are to the Regenery edition (1949).

The Theory of Surplus Value

The economic aspects of Marxism hinge on the doctrine of surplus value, and this in turn depends on the labor theory of value of English classical economics.

Ricardo had maintained,[15] as did Locke earlier,[16] that the value of any commodity is determined by the labor expended in its production. A pair of shoes which takes fifteen hours to produce has the same exchange value as a bushel of wheat representing an equal expenditure of labor. To this Marx gave his wholehearted assent. "A useful article," Marx asserted, has value only because human labor . . . has been embodied or materialized in it. How, then, is the magnitude of this value to be measured? Plainly by the quantity of the value-creating substance, the labor contained in the article." [17] Those who expend labor in the production of any commodity therefore create its value and have a right to the full value of their production. The capitalists, however, are unwilling to allow laborers the full return for their industry. Through rents, interest, and profits they extort from the worker a part of his production.

They take this unearned share from what Marx calls surplus value. A labourer is able to produce in a day more than is necessary to his own survival, but he is paid by the employer a wage commensurate with a subsistence level of existence.[18] The difference, called surplus value, is appropriated by the employer.

> The owner of money buys labour power at its value, which is determined, like the value of every other commodity, by the socially necessary labour time requisite for its production (that is to say, the cost of maintaining the worker and his family). Having bought labour power, the owner of money is entitled to use it, that is to set it to work for the whole day—twelve hours, let us suppose. Meanwhile, in the course of six hours ("necessary" labour time), he produces a "surplus" product for which the capitalist does not pay him.[19]

Marx allows that the capitalist may be usefully employed and should receive a commensurate share of the value produced. But he has no right to this surplus value which he actually steals from the mouths of the worker's family.

To rectify this injustice the capitalist must be eliminated from society and private property must give way to a collectivist economy in which each will produce according to his ability and receive according to his need. Only a socialist regime can return to the worker what is rightfully

[15] *Principles of Political Economy* (1817).
[16] See above, Chapter XIV.
[17] *Capital*, Vol. I, p. 45.
[18] Compare the position of Malthus. See above, Chapter XVII.
[19] V. I. Lenin, *The Teachings of Karl Marx* (1930), p. 21. International Publishers edition.

his by abolishing interest, profits, and rents. But although socialism is clearly the answer to the problem of economic exploitation, its achievement is made difficult by the type of state erected by capitalist societies.

Theory of the State

As we have previously observed, Marx regarded the state as a reflection of prevailing economic forces. It is part of the class struggle: Engels observed that the state comes into being when the governing class finds it needs the protection of an organized coercive power to maintain existing property relationships.[20] The state is nothing more than organized oppression.[21] The ruling economic class "by force of its economic supremacy becomes also the ruling political class, and thus acquires new means of subduing and exploiting the oppressed masses. The ancient state was therefore the state of the slave-owners for the purpose of holding the slaves in check. The feudal state was the organ of the nobility for the oppression of the serfs and dependent farmers. The modern representative state is the tool of the capitalist exploiters of wage labour." [22]

As the executive committee of the *bourgeoisie*, the state's primary task is to provide law, order, and stabilized economic relationships. This is made increasingly difficult, however, by the previously mentioned self-consciousness of the working classes and by their growing militancy. The state, through its police power and through hired armies, will seek to continue oppression because no ruling class will voluntarily relinquish such an advantage; but it must ultimately fail in the face of the unrelenting dialectical forces of history. At a point when proletarian pressures equal the forces of the *bourgeoisie* a revolution will follow.

Revolution

Marx believed revolution to be inevitable,[23] but he did not for this reason wish merely to await its coming. He argued that it was not enough

[20] Friedrich Engels, *Origin of the Family, Private Property, and the State* (1884), p. 211. Untermann translation (1902).

[21] Lenin, *op. cit.*, p. 31.

[22] *Ibid.*

[23] It is a much discussed question whether Marx did not foresee in later life the possibility of overturning capitalism without resort to revolution and violence. "Engels tells us that Marx reached the conclusion that in England at any rate 'the inevitable revolution might be effected entirely by peaceful means'; and in a letter of 1880 to Hyndman he [Marx] stated that his party did not hold such a revolution to be 'necessary', but only, on historic precedents, 'possible'." (R. N. Carew Hunt, *The Theory and Practice of Communism* (1951), pp. 69-70). It is clear, however, that the great weight of Marx's writings is in line with the call to arms of the *Communist Manifesto*, and that even in his later writings Marx continued to believe that revolt would prove necessary in all but the most democratic countries.

for philosophy to understand the world. It must change it. He was especially critical of Hegel on this score. Hegel had written that the role of philosophy was only to understand what had happened, not to interfere with the Divine plan. "Philosophy," Hegel stated, "comes too late to teach the world what it should be. . . . The owl of Minerva begins its flight when the shades of twilight have fallen." With this Marx wholly disagreed.[24] He considered the philosopher to be a midwife to history. He could not alter the basic design, but he could ease the pain and hasten the process of dialectical materialism. Marx hoped that he might personally lead a revolution. His theoretical works were always geared to "the coming revolt." And his correspondence with Engels is filled with speculation about when the hour would be at hand.

Marx wrote with confidence about the coming revolt because he believed its success was assured. He shared the belief of the French Revolution in the certainty of progress and he viewed the working of the dialectic as a science beyond challenge. The laws of history, which he had discovered, were as inexorable as the law of gravity. Once *bourgeois* society reached the point of maturation its doom was inevitable.[25]

Marx defined revolution as the class struggle carried to its ultimate conclusion.[26] Combination among the workers first occurs to maintain wages and resist exploitation.[27] But the workers soon discover that of all the "instruments of production the greatest productive power is the revolutionary class itself." [28] In combination they are able to alter the forces of production and overthrow their old masters. With a change in the forces of production a corresponding dialectical change takes place in the political order, and the working class comes finally into its birthright.

After Capitalism

Marx has little to say about the form of society which will replace capitalism. But he does conclude that between the defeat of capitalism

[24] Hunt, *op. cit.*, pp. 15-16.

[25] This feeling that communism is riding the new wave of history has had a profound effect. The success of communism first in Russia and then in Eastern Europe and China has been due in no small measure to an almost religious conviction that communism has success on its side. It has been customary for us to wish for God's support in our major undertakings. The communists think they have no need for God or any formal religion; they have Marx and history on their side. They also draw tremendous strength from the conviction that if they do not have a refrigerator or an electric stove today, tomorrow they will have two of each.

[26] *The Poverty of Philosophy*, p. 159.

[27] *Ibid.*, p. 157.

[28] *Ibid.*

and the realization of true communism [29] a transitional stage will be necessary. He refers to this phase as the "dictatorship of the proletariat." This stage is necessary in order to secure the victory, to destroy the last vestiges of the old order, and to eliminate any remaining traces of class distinction.

During the dictatorship of the proletariat it will be necessary to retain the state and to be satisfied with a diluted form of communism. But when the work of the dictatorship has been done the state will have no further purpose. It will "wither away." There will be no class conflicts and no exploitation. All classes will have been merged into one. And the age of true communism will be at hand. Marx was very critical of the utopian socialists, but he never outlived his years in France. The ultimate goal of society is a voluntary association where economic cares are unknown. "Freed from capitalist slavery, from the innumerable horrors, savagery, absurdities and infamies of capitalist exploitation, people will gradually become accustomed to the observation of the elementary rules of social life, known for centuries, repeated for thousands of years in all sermons. They will become accustomed to their observance without force, without constraint, without subjection, without the special apparatus for compulsion which is called the State." [30]

In the highest phase of Communist society, after the enslaving subordination of the individual under the division of labor has disappeared, and therewith also the opposition between manual and intellectual labor; after labor has become not only a means of life, but also the highest want in life; when, with the development of all the faculties of the individual, the productive forces have correspondingly increased, and all the springs of social wealth flow more abundantly—only then may the limited horizon of capitalist right be left behind entirely, and society inscribe on its banners: "From everyone according to his faculties, to everyone according to his needs." [31]

Lenin

After the death of Marx and Engels, leadership in the communist movement fell to Nikolai Lenin (1870-1924).[32] Lenin had in no sense been designated as the heir-apparent, nor was he the most faithful of

[29] In strict Marxian terms, the communist stage is reached only when class conflict ceases and a golden, stateless society is achieved. Prior stages, such as that in which Russia now finds herself, are described as socialist in character.

[30] V. I. Lenin, *The State and Revolution* (1917), p. 94. Marxian Educational Society edition (1924).

[31] Karl Marx, *Critique of the Gotha Programme* (1891), p. 31. International Publishers edition (1933).

[32] *State and Revolution* (1917); *Imperialism: The Highest Stage of Capitalism* (1916).

Marx's interpreters. His succession was due rather to the fact that communists first came to power in Russia rather than in Germany or England as predicted by Marx, and to an extraordinary talent for revolutionary manipulation which Lenin possessed. Prior to the Bolshevik coup of October, 1917, there was more reason to believe that Kerensky's Constitutional Democrats, the Mensheviks,[33] or even the Social Revolutionaries [34] would benefit from the revolutionary situation brought on in Russia by war and mismanagement. But the only group to fully exploit the situation was the Bolshevik party led by Lenin.

Lenin, whose real name was Vladimir Ilyich Ulyanov, had gained his revolutionary insight from long and bitter experience. He was expelled from the University of Kazan and placed under police surveillance when he was not yet twenty. A year prior to this his brother had been executed for plotting against the life of Alexander III. While studying for the bar at the University of St. Petersburg, Lenin worked in the trade union movement, often defying the police. He later edited *Labor's Work* and *Iskra* (the *Spark*), both underground journals aimed at fomenting revolution among the urban working classes. From 1903 onward he led with zeal the fight against what he termed half-way measures being advocated by more moderate socialist elements. He missed the revolution of 1905, arriving from Switzerland where he had been in exile too late to do more than observe the mistakes that had been made. But the October Revolution of 1917 found him ready.

His first action when he again returned to Russia in April, 1917,[35] was to issue his *April Theses*, calling on Bolsheviks not to support the floundering provisional government which had taken over after the February Revolt. Instead he called for "peace, liberty, bread, and land" for the workers and peasants. He anticipated that people would follow the

[33] The Mensheviks ("minority") were originally a part of the Social Democratic party, as were the Bolsheviks ("majority"). The two groups split, however, in 1903 over questions of procedure, the Mensheviks disavowing the revolutionary temperament of the Bolsheviks.

[34] The Social Revolutionaries drew their support chiefly from the peasant classes.

[35] Lenin succeeded in reaching Petrograd only because Germany allowed him to cross her borders. Bertrand Russell, in discussing the limitations of Marx's philosophy of history, comments in this regard: "Admitting that the great forces are generated by economic causes, it often depends upon quite trivial and fortuitous events which of the great forces gets the victory. In reading Trotsky's account of the Russian Revolution, it is difficult to believe that Lenin made no difference, but it was touch and go whether the German Government allowed him to get to Russia. If the Minister concerned had happened to be suffering from dyspepsia on a certain morning, he might have said 'No' when in fact he said 'Yes,' and I do not think it can be rationally maintained that without Lenin the Russian Revolution would have achieved what it did." *Freedom versus Organization* (1934), p. 198. By permission of W. W. Norton & Co.

leader who promised them the most and he succeeded in convincing both workers and peasants that the provisional government was incapable of reform or of keeping the promises it had made. Sensing late in October that conditions were ripe for a second revolt, he proclaimed that it was now or never! In a matter of hours the Bolsheviks consummated carefully laid plans. During the night of October 24, the Bolsheviks surrounded the Winter Palace and other government buildings; and on the morning of October 25, members of the provisional government were placed under arrest as they came to work—Kerensky alone escaping.

Lenin's remarkable faculty for revolutionary intrigue was nearly equaled by an ability in theoretical analysis. One of Lenin's admirers has remarked that "there is probably nothing in the history of political thought that equals in dramatic power Lenin's achievement in linking in his own life the analysis and enactment of revolution. He was one of those rare persons in whom life drives no paralyzing wedges and in whom therefore there is no gap between the idea and the act." [36] As a theorist, Lenin is best known for his analysis of revolutionary tactics and for his study of imperialism.[37]

In discussing revolution Lenin stressed the inadvisability of compromise with the *bourgeois* liberals and the necessity of violent change. For many years he carried on a pamphlet war with Marxists whom he accused of turning Marx into a "hackneyed liberal." According to Lenin, success for the toilers could only be achieved by action and action meant revolt. Any other course was illusory. To wait for evolutionary change or to talk about democratic procedures and freedoms reduced Marxism to an armchair philosophy. No ruling class would give up more than the appearance of freedom for the working classes without resort to the "arbitrament of forces." The exploited must take what they want if they are ever to have it. And if in the process liberal-democratic ideas are trampled on, what does it really matter? The state is only a temporary institution at best. Its use by the revolutionists in confiscating the property of the former ruling classes is only to be expected. "'So long as the proletariat still needs the state, it needs it, not in the interest of freedom, but in order to suppress its opponents, and when it becomes possible to speak of freedom, the state as such ceases to exist.'" [38]

To suppose, Lenin continued, that revolutionists have time or interest

[36] Max Lerner, *Ideas Are Weapons* (1939), p. 326.

[37] Stalin said of his predecessor that Leninism is Marxism in the era of revolt and of imperialism. *Foundations of Leninism* (1924), p. 10. International Publishers edition (1939).

[38] V. I. Lenin, *The Proletarian Revolution and the Renegade Kautsky* (1918), p. 24. Foreign Languages Publishing House edition (1947). Lenin is quoting from a letter written by Engels to Bebel, March 28, 1875.

in such democratic notions as majorities and minorities is the acme of stupidity. Revolution has little to do with large popular followings or with party membership.[39] Lenin split with the Mensheviks over the question of admitting casually interested members into the communist movement. He proposed to admit only such members as were prepared to work actively for party goals. He wanted the party to be a tightly knit band of professional revolutionaries who could move with a unity of will, incompatible with the existence of factions.[40] The Party was the advanced guard of the working classes, and on it rested the responsibility for the transitional period envisaged by Marx when the last vestiges of the old society would be liquidated by a dictatorship of the proletariat.

Through the Party, the proletariat takes power, becomes the ruling class, smashes *bourgeois* parliamentarism and democracy, suppresses all the attempts of other classes to return to capitalism, gives real liberty and equality to the toilers (which is made possible only by the abolition of private ownership of the means of production), and gives them not only the right to but the real use of that which has been taken away from the *bourgeoisie*. Only in this way can the exploitation of man by man be stopped and the way prepared for the classless, stateless society of pure communism.

Lenin's views on imperialism are contained in his *Imperialism: The Highest Stage of Capitalism*, written in 1916. In this work Lenin expanded on the economic aspects of Marxism. Marx, he believed, had accurately described the nationalist phase of capitalism, but he had not accounted for capitalism's imperialist or final stage. The growth of capitalism in any country continues, he stated, until all of the best markets have been utilized and all of the most lucrative investments made. Capitalism then enters a monopoly stage in which competition at home ceases and combinations become the dominant form of industrial organization. These national monopolies exploit the home market to the fullest extent, but they become increasingly aware that greater profits are to be made by turning their attentions to the world's underdeveloped areas. Trade consequently becomes global in scale and competition between national combines takes the form of a struggle for raw materials and world markets. In this scramble economic commitments involve political commitments because a nation's strength rests ultimately on its economy, and international politics turns more and more on the control of exploitable areas of the world. International fencing is inevitably followed by armed contests of strength, and capitalism enters the stage of the imperialist war.

[39] *Ibid.*, pp. 22 ff.
[40] Hunt, *op. cit.*, p. 147.

Lenin believed that he was witnessing such a war as he wrote in 1916. Germany, England, and France, he stated, were locked in a struggle of imperialist robber-barons to see which would control the world's economic resources. It was a struggle between one young robber and two old ones,[41] and as such it was of no concern to the working classes. What interest had they in serving the cause of their capitalist masters? *Bourgeois* patriotism was an empty form used to deceive the toiling masses. The purpose of the workers should be to use imperialist wars to their own advantage. If such a conflict could be turned into a proletarian revolution, then communism would be at hand. It was the hope of Lenin's life [42] that proletarian revolt would follow from imperialist war.

Stalin

History is more likely to record Joseph Stalin (1879-1953) [43] as a master politician than as a political philosopher. But he has made one contribution to communist theory for which he will be remembered. This is his doctrine of "socialism in one country," which he announced rather abruptly in 1924 during his struggle for power with Leon Trotsky.

Trotsky in his speeches and writings had urged Russia to carry immediately the torch of revolution to other nations on the peril of seeing her own beginnings snuffed out by the capitalist enemy. His approach was radical and internationalist. Stalin on the other hand, sensing the strength of Russian nationalism, successfully advised a cautious and nationalist approach. It is possible, he argued, for socialism to succeed in a single country in spite of capitalist encirclement.[44] All that is needed is the sympathy and indirect support of Europe's workers. This, combined with the might of the Red Army and the readiness of the workers and peasants to defend their socialist fatherland, will assure Russia the time she needs to face any enemy.[45]

By this Stalin did not imply that world revolution was to be given up. It was merely to be postponed. The final stage of communism would not be reached, he stated, until the encircling enemy was defeated by proletarian revolt. But the success of these revolutions depended on welding Russia into a bastion from which communism could then be spread to the rest of the world.

[41] G. H. Sabine, *A History of Political Theory*, rev. ed. (1950), p. 819.

[42] *Ibid.*

[43] *Foundations of Leninism* (1924); *Problems of Leninism* (1926); *Economic Problems of Socialism in the U.S.S.R.* (1952).

[44] Joseph Stalin, *Leninism* (1942), p. 17. References are to the International Publishers edition. This work is an abridged edition of *Problems of Leninism.*

[45] *Ibid.*, p. 20.

The Future of Communism

The importance of this doctrine does not lie in a change of objective. Russia's leaders still purport to be headed towards world-wide communism in its utopian, stateless form. But the change in approach is significant. The internationalism of Marx and the *Communist Manifesto* has now given way to the nationalism of a Russianized brand of communism, leading to a two-fold effect.

In international politics, the Russians are now carrying out their delayed program of aiding the working classes of other nations to revolt. But as they move from Rumania, to Bulgaria, to Poland, to Czechoslovakia, freeing the toiling masses, it is difficult to distinguish the type of freedom they bring from the freedom Western nations have long brought to underdeveloped peoples under the guise of assuming the "white man's burden." The Russianization of communism has meant in fact that a new form of imperialism has been created. It sends few armies across state lines, and it turns governments into "people's democracies," but the control from Russia is no less real nor is the exploitation less apparent.[46]

In the national sphere, nationalized communism has meant greater regimentation and an indefinite postponement of communism in its pure form, even though the socialist phase of communism was proclaimed complete as early as 1936. Stalin and his successors have insisted on unlimited power at home to drive back the encircling capitalist enemy. And with this as their excuse, they have used such well known dictatorial devices as the big lie and the purge. Their constitution can talk about democracy and civil rights and communist propaganda can condemn fascist dictatorship, but there is truth in the observation that communism has proved to be the Red bed-fellow of fascism. Both rest ultimately on the twin concepts of authority and totality and both are profoundly reactionary in character, though we continue through default to allow communists to call themselves "truly progressive."

As to what lies ahead, only speculation is possible. It seems improbable, however, that communism will be crushed in the near future, as some of its critics suppose, by its own dead weight or by internal rebellion. Communism is too deep-rooted to disappear overnight; its philosophical traditions go back too far; it breeds on unsolved problems. Nor is there reason to suppose a dark future in which communist tentacles will slowly encircle the earth, strangling democratic government and liberal traditions. This places too little value on the vitality of liberalism. A more likely prognosis is that, short of total war, the world will continue to be

[46] In 1952, to illustrate, Rumania turned 95 per cent of her oil production over to Russia. *Washington Post*, February 12, 1953.

divided for the foreseeable future into two armed camps which are ideologically incompatible and which await in consequence the other's failures and shortcomings.

REFERENCES

BERLIN, Isaiah, *Karl Marx* (London, T. Butterworth, 1939).

CARR, E. H., *Karl Marx* (London, Dent, 1934).

CHANG, Sherman H. M., *The Marxian Theory of the State* (Philadelphia, 1931).

COKER, F. W., *Recent Political Thought* (New York, Appleton-Century, 1934), pp. 35-65 ff.

COLE, G. D. H., *What Marx Really Meant* (New York, Knopf, 1937).

HOOK, Sidney, *Towards the Understanding of Karl Marx* (New York, Day, 1933).

HUNT, R. N. Carew, *The Theory and Practice of Communism* (New York, Macmillan, 1951).

KELSEN, Hans, *The Political Theory of Bolshevism* (Berkeley, Univ. of California Press, 1948).

KOESTLER, Arthur, *The Yogi and the Commissar* (New York, Macmillan, 1945).

LASKI, H. J., *Communism* (New York, Holt, 1927).

———, *Karl Marx* (London, G. Allen, n.d.).

LERNER, Max, *Ideas Are Weapons* (New York, Viking, 1939), pp. 319-337.

LEROSSIGNOL, J. E., *From Marx to Stalin* (New York, Crowell, 1940).

MAYER, Gustav, *Friedrich Engels* (London, Chapman, 1936).

ROBINSON, Joan, *An Essay on Marxian Economics* (London, Macmillan, 1942).

RÜHLE, Otto, *Karl Marx* (New York, Viking, 1929).

RUSSELL, Bertrand, *Freedom versus Organization* (New York, Norton, 1934), Chaps. 17-20.

———, *The Practice and Theory of Bolshevism* (London, G. Allen, 1920).

SABINE, G. H., *A History of Political Theory*, rev. ed. (New York, Holt, 1950), Chaps. 33-34.

WINSLOW, E. M., *The Pattern of Imperialism* (New York, Columbia Univ. Press, 1948), Chaps. 6-9.

INDEX

Academy of Plato, 49n, 61
Accursius, Irnerius, 116
Achaean League, 71
Adams, John, 209, 238, 285, 292, 294, 328, 331
Adams, Samuel, 238, 294
Aeschylus, 72
Aetolian League, 71
Agobard, 113
Agreement of the People, 205
Ahab, 29
D'Alembert, Jean, 248
Alexander the Great, 48n, 61
Alien and Sedition Acts, 327
Althusius, Johannes, political theory of, 174, 199, 215, 253, 293
American Revolution, nature of, 289-290; political theory of, 291-295; documents and constitutions, 295; English response to, 302-306
Amyntas II, 60
Anabaptists, 163-164, 212
Anarchism, Godwin, 305; Fourier, 339
Anarchy, 201, 367
Anti-democratic theories, nineteenth century, 331-334
Anti-intellectualism, Hitler, 381-382
Anti-Semitism, Hegel, 365; Gobineau, 370; Hitler, 379
Apostolicans, 163
Aquinas, St. Thomas, 16, 60, 101, 113; political theory of, 120-123; definition of law, 121; forms of law, 121; precedence of Church, 122; 126, 160, 167, 179, 181, 188
d'Argenson, Marquis, 223, 247, 281
Aristides, 72
Aristocracy, Montesquieu, 250
Aristophanes, 44, 46
Aristotle, 8, 16, 34; life of, 60-61; political theory of, 60-68; method compared to Plato, 62; character and method of writings, 62; respect for tradition, 62-63; economic basis of political institutions, 64; criticism of Plato's ideas, 65; definition of state and citizens, 65; distinction between state and government, 65; classification of governments, 66; revolution, 67; value of moderation and stability in the state, 67; contribution to political thought, 68; 84, 85, 121, 124, 126, 155, 181, 182, 184, 207, 215, 249, 252, 263, 355
Armada, 166, 200
Articles of Confederation, 295
Artist in politics, Hitler, 382
Aryan race, Chamberlain, 371; Gobineau, 371; 378
Associationist psychology, James Mill, 314
Athens, social classes, 36; government of, 37-38
Attlee, Clement, 350
Aubrey, John, quoted, 217n
Augustine, St., political theory of, 100-102; 112, 116, 121, 181, 188
Austin, John, 286, 310, 311; political theory of, 315-317; 321, 325
Authoritarianism, and German idealism, 257; 374
Authority, obligation to, 7; location of within the state, 9; in primitive society, 22; in Hindu thought, 26-27; Aristotle's discussion of basis of, 66-68; St. Thomas Aquinas, 121-122; Dante, 126; Hegel, 362
Avignon, 110, 123, 125, 135
Ayala, Balthazar, 190

Bacon, Francis, 199, 240, 247
Bain, Alexander, 310
Baldus, 116
Ball, John, 137
Barclay, William, 170, 178, 182, 200
Barker, Ernest, quoted, 61
Barlow, Joel, 328
Bartolus, 116
Bazard, St. A., 338n
Beard, C. A., quoted, 16
Beccaria, Cesare, 278; political theory of, 282-283; 310
Bechers, J. J., 267
Bellamy, Edward, 4, 340
Bellarmine, Robert, 177-178, 179

Bellay, Pierre du, 170
Bentham, Jeremy, 216, 243, 244, 273, 283, 284, 286, 310; political theory of, 310-314; economic theories of, 312; 315, 318; 340
Berkeley, Bishop, 241
Bernard, St., 113; political theory of, 118-119
Bernstein, Edward, political theory of, 343
Bill of Rights, English, 202, 295
Bismarck, 365
Blackstone, Sir William, 10, 195, 282, 284; political theory of, 285-286; 294, 306, 311
Blackwood, Adam, 178, 182, 200
Blanc, Louis, 341, 369, 390
Bland, Richard, 293
Bodin, Jean, 26, 137, 170, 181, 183; political theory of, 184-188; doctrine of sovereignty, 185-186; 189, 193, 220, 233, 240, 249, 251, 252
Boétie, Étienne de la, 172
Boisguilbert, Pierre, 234, 267
Bolingbroke, Viscount, political theory of, 242; 247, 284, 302
Bonald, Marquis de, 363; political theory of, 368
Boniface VIII, 123
Book of the Covenant, 30
Bossuet, Bishop Jacques, 167; political theory of, 234-235; 367
Boucher, Jonathan, 295
Bourdaloue, Louis, 223
Bourgeoisie, 246
Bracton, 196
Brahmins, 24
Braun, Conrad, 189
Bright, John, 273, 310
British Labor Party, political theory of, 349-351
British socialism, 345-351
British Trade Union Congress, 349
Brougham, H. P., 310
Brown, John, 284
Brown, Robert, 204
Bryce, James, quoted, 107-108
Buchanan, George, 173, 199, 200, 203, 206, 215
Buckle, H. T., 319
Buddha, 27
Burke, Edmund, 8, 14, 16, 67, 195, 216, 243, 284, 285, 288; political theory of, 302-304; 309, 331, 363
Butler, Samuel, 340
Cabet, Étienne, 339
Cade, Jack, 137
Cahiers, 298, 300
Calhoun, John C., 329; political theory of, 330
Calvin, John, 157; political theory of, 160-162; 171, 175, 177, 182, 211
Campanella, Thomas, 179
Cantillon, Richard, 268
Capitalism, Marx's commentary on, 395
Carlyle, A. J., quoted, 69, 77n, 79
Carlyle, Thomas, 336, 363; political theory of, 364-365
Cassirer, Ernst, quoted, 355n
Catholic Church, rise of, 94-97; political theory of the New Testament and the Apostles, 97-98; political theory of early Church Fathers, 99-100
Catlin, George, quoted, 40-41, 45-46
Cato, 280
Chamberlain, Houston Stewart, 364; political theory of, 371; 374, 378
Charlemagne, 105, 106, 115
Chartist movement, 340
Chatham, Earl of, 242, 302
Child, Josiah, 266, 270, 274n
Chinese, 24, 25; political thought of, 27-28
Christian Socialists, 337; political theory of, 341
Christianity, in the Roman Empire, 93-94; attacked by Nietzsche, 369
Church and state, in Holy Roman Empire, 107; relation of spiritual to secular authority, 109-111; conflict between, 109-131; doctrine of two swords, 112-113; arguments for ecclesiastical supremacy, 113-115; arguments for secular supremacy, 115-118; the fourteenth century controversies, 123-125; Marsilius, 128-129; Wyclif, 136-137; the conciliar movement, 138-141; 153-154; Calvin, 160-161; Bellarmine, 177; Locke, 225-226
Church Fathers, 26, 118, 188
Cicero, political theory of, 84-87; natural law, 85; equality, 85-86; classification of governments, 86; nature of state, 86; 100, 121, 126, 195
Class struggle, Marx, 395
Classical economics, 308-309
Classification of governments, Plato, 57-58; Aristotle, 66; Polybius, 83-84; Cicero, 86; Montesquieu, 250; Rousseau, 255

Clay, Henry, 329
Cleisthenes, 36
Clement V., 123
Cobbett, William, 310
Cobden, Richard, 273, 310
Coke, Sir Edward, 197, 202
Colbert, Jean, 266, 267
Colonna, Egidius, 122, 123
Commerce, growth of during later Middle Ages, 133-135
Common law, English, 195; supremacy of, 202
Commonwealth period in England, political theory of, 204-207
Communism, 257, 335n, 351, 373, 377; political theory of, 389-405; and fascism, 404; the future of, 404-405
Communistic religious associations, 162-164
Comte, August, 318, 338
Conciliar movement, 138-141
Condorcet, Marquis de, 274, 282, 287, 297; political theory of, 299-300; 300, 301
Confucius, 24, 27, 28
Congress of Vienna, 291, 322
Conservatism, Burke, 302-304; attacked by Paine, 304; nineteenth century, 355-371
Consolato del Mare, 229
Constant, Benjamin, political theory of, 325-326
Constantine, 93, 94
Constitutional democracy, political theory of, 322-334; theories of in Europe, 324-327; growth of in America, 327; anti-democratic attacks on, 331-334
Contract, in Roman law, 79-80
Corn Laws, 266, 273, 310
Council of Constance, 138
Council of Trent, 175
Cousin, Victor, 324
Cromwell, Oliver, 204, 205, 208, 210, 217
Cumberland, Richard, 307
Customs, in primitive society, 22
Cynics, 48n

Dante, 101, 117, 123; political theory of, 125-127; 189, 201
Daries, J. G., 267
Darwin, Charles, 275
Darwinism, 378
Davenant, Charles, 274n
Decalogue, 214
Declaration of Independence, 223, 226, 258, 295, 297
Declaration of the Rights of Man, 5, 251, 256, 291, 300, 303
Decretum of Gratian, 113
Delian Confederacy, 71
De Lolme, Jean, 10, 284; political theory of, 286-287
Delphic Amphictyony, 71
Democracy, in Hebrew thought, 29-30; Plato, 51-52; Lilburne, 205; Milton, 206-207; Montesquieu, 250; Rousseau, 253-256; Priestley, 287; Price, 287-288; Utilitarianism, 309; Bentham, 312; John Stuart Mill, 320; and the demand for written constitutions, 322-324; Tocqueville, 326; Jacksonian era, 329-330; British Labor party, 350; attacked by Carlyle, 364; attacked by Nietzsche, 369; attacked by Pareto, 370; opposed by Mussolini, 376
Descartes, René, 368
Deuteronomic Code, 30
Dialectical method, Hegel and Marx, 393-394
Dickens, Charles, 336
Dickinson, John, 294
"Dictatorship of the proletariat," Marx, 398-399
Diderot, Denis, 248, 257, 271, 281
Diogenes, 48n
Diogenes Laertius, 49n
Dionysius I, 49
Direct democracy, Rousseau, 255-256; attacked by De Lolme, 287; 331-332
Directory, 290, 301
Disraeli, Benjamin, 242
Dissenters, 202, 203
Divine right, Luther, 156-157; Melanchthon, 158; 167; sixteenth century opposition to, 171-175; Jesuits, 176; James I, 201; the Anglican clergy, 201; during the Restoration, 221; Sydney, 222; Bossuet, 234; attacked by Paine, 294
Donatists, 101
Donation of Constantine, 113
Draco, 42
Dubois, Pierre, 123
Dumont, Étienne, 313
Dunning, W. A., 14; quoted, 115

Economic basis of government, Harrington, 208; Montesquieu, 251-252; Marx, 394-395

Economic planning, British Labor party, 350
Economic theory, 263-276; relation to political thought, 263-264
El Dorado, 169
Elijah, 29
Eliot, John, 202
Encyclopedists, 248, 253, 280, 281
Enfantin, B. P., 338n
Engels, Friedrich, 389, 390, 391, 392, 398
English lawyers, 199
English political development, compared to Rome, 195; differences from continent, 196
"Enlightenment," 278
Ephors, Fichte, 359-360
Epicureans, political theory of, 68-69; 78
Epicurus, 69, 389
Equality, in Chinese political thought, 28; Cicero, 85-86; Apostles, 98; Lilburne, 205; Rousseau, 253-255; Helvetius, 280; Mably, 280; Price, 287-288; attacked by Burke, 303; James Mill, 314; Jefferson, 328; repudiated by Calhoun, 330; Kant, 357; reaction to by Gobineau and Chamberlain, 364
Erasmus, Desiderius, 171
Esmein, J. P., 327
Euclid, 34
Euripides, 34
Ezra, 30

Fabian socialists, political theory of, 347-348
Fabian Society, 349
Fabius, General, 347
Faguet, E., 332n
Fair Deal, 351
Fascism, 257, 351; the growth of, 354-385; 355, 357, 358, 363, 364; nature of, 373-374; political theory of, 373-385; and idealism, 374; and Marxism, 375; national socialism, political theory of, 376-384; the master race, 377-379; Führer and the totalitarian state, 380-381; anti-intellectualism and the artist in politics, 381-382; *Lebensraum*, 382-383; the future of fascism, 383-384
Federalism, Tocqueville, 326
Federalists, 327, 328
Federalist, 297
Fénelon, François, 234, 247, 267, 316
Ferguson, Adam, 239, 271; political theory of, 284-285
Feudalism, 104-106, 132-133
Fichte, Johann, political theory of, 358-360
Figgis, J. N., quoted, 140, 155
Filangieri, Gaetano, 278, 283
Filmer, Robert, 178, 182, 188, 201; political theory of, 209; 221, 223, 295
Fortescue, John, 196
Fourier, Charles, political theory of, 339
Fox, C. J., 304, 306
Franklin, Benjamin, 269, 297
Frederick II, 117, 118, 148
Frederick the Great, political thought of, 239
Free enterprise, 9
Free trade, opposed by Fichte, 359
French East India Company, 266
French Marine Ordinance, 229
French Revolution, nature of, 290-291; political theory of, 298-300; documents and constitutions, 300-301; English response to, 302-306
Fundamental Constitutions of Carolina, 212
Fundamental Orders of Connecticut, 211, 296
Führer principle, Hitler, 380-381
Funeral Oration, 39-40, 51

Gaius, 79
Gauden, John, 206
Gelasius I, 112
General will, ground work laid by Spinoza, 230; Rousseau, 254-255; as basis of German idealism, 257; Holbach, 281; 331, 355-356, 357; in Fichte's early writings, 358
Gentili, Alberico, political theory of, 190
Geopolitics, 382-383
George, Henry, 347
German idealism, influenced by Rousseau, 257; 346; nature of idealist thought, 355-356; political theory of, 355-362; Kant and Fichte, 356-360; Hegel, 360-361; 389, 392
Gerson, John, 139-140

Ghibellines, 126
Gierke, O. F., quoted, 141n
Girondist constitution, French Revolution, 301
Glanville, Ranulf de, 196
Gobineau, Arthur de, 364; political theory of, 360-371; 378
Godkin, E. L., 332n
Godwin, William, 274; political theory of, 305; on anarchism, 305; 306
Goebbels, J. P., 381
Gooch, G. P., quoted, 209
Gorgias, 43n
Goths, 100
Gournay, Jean de, 236, 269
Government, form of, 9
Governments, classification of. *See* Classification of governments.
Gratian, 113, 188
"Greatest good of the greatest number," Priestley, 287; Utilitarians, 307
Great Schism, 110, 125, 135, 138
Greek camaraderie, 38-40
Greek city-state, 34-47
Greek political institutions, 34-38
Greek political thought, nature of, 40-43; contributions of, 72-74
Greeley, Horace, 391
Green, Thomas Hill, political theory of, 345-347
Grégoire, Pierre, 170, 291, 300
Gregory VII, 113, 181
Grote, G., 310
Grotius, Hugo, 26, 101, 127, 181, 183; forerunners of, 188-190; political theory of, 191-193; 198, 199, 214, 220, 224, 228, 229, 232, 238, 240, 253, 254, 271, 292
Guelf party, 125
Guild socialism, 142; political theory of, 348-349
Guises, 171
Guizot, François P., 325
Gunpowder Plot, 178

Habeas Corpus Act, 295
Halévy, Elie, quoted, 308-309
Halifax, Marquis of. *See* Savile, G.
Hamilton, Alexander, 238, 328, 331
Hampden, J., 202
Haney, L. H., quoted, 23n
Hanseatic League, 134
Hardie, Keir, 350
Hare, Thomas, 320
Harrington, James, political theory of, 207-209; on economic basis of government, 208; 212, 221, 251, 263, 292
Haushofer, Karl, 383
Hebrews, 23, 24, 25; political thought of, 28-30; 31
Hegel, Georg Wilhelm, 157, 355, 356; political theory of, 360-362; 374, 389, 393, 398
Heine, Heinrich, quoted, 356-357n
Helots, 35
Helvetius, Claude, political theory of, 280-281; 310, 314
Henry of Bratton. *See* Bracton.
Henry of Navarre, 170, 171, 184
Henry, Patrick, 292
Herder, J. G., 364
Hermias, 61
Hero worship, 363; Carlyle, 364; Wagner, 364; 374
Hesiod, 42, 43
Heywood, Thomas, 197
Hincmar, Archbishop of Rheims, 113
Hindenburg, P., 377
Hindus, 24; political thought of, 25-27
Hippocrates, 34
Historical materialism, Marx, 394-395
Historical method, Machiavelli, 144; Vico, 240; Montesquieu, 249; Burke, 302
Historians, Prussians, 365-366
Hitler, Adolf, political theory of, 376ff.
Hobbes, Thomas, 26, 54n, 79, 137, 183, 193, 201, 208, 209, 210, 215; political theory of, 216-221; 222, 223, 225, 226, 229, 230, 232, 236, 252, 253, 254, 256, 280, 325
Hobhouse, L. T., 310
d'Holbach, Paul, political theory of, 281; 282
Holy Roman Empire, 106-108, 133, 147, 153, 183, 228
Homer, 42, 43
Hooker, Richard, political theory of, 197-198, 216, 223
Horn, Johann, 233
Hornig, Philipp von, 267
Hotman, François, 172
Howard, John, 283
Howells, William Dean, 340
Hsun Tze, quoted, 27-28
Huber, Ernst, quoted, 380
Hugo, Gustav von, 315
Huguenots, 166, 170, 226

Hume, David, 216, 236, 239; political theory of, 242-244; 252, 257, 271, 274n, 284, 285, 286, 307, 355
Hundred Years' War, 132
Hunt, R. N. Carew, quoted, 397n
Huss, John; 137-138
Hussite movement, 139
Hutcheson, Francis, 271, 307

Idealism, German. *See* German idealism.
Imperialism, in Oriental thought, 24-25; Lenin, 402-403
Independents, in England, 203-204
Independent Labor party, 348-349
Individualism, Teutons, 102; 154-155; Grotius, 193; Milton, 206; Spinoza, 230-231; Malthus, 275; Utilitarians, 307ff.; John Stuart Mill, 320; 335-336; opposed by Lamennais, 368; and fascism, 373; attacked by Mussolini, 375-376; 384
Industrial Revolution, 270, 273, 274, 335, 336
Innocent III, 110, 113
Instrument of Government, 206, 296
International law, Spanish jurists, 179; forerunners of Grotius, 188-190; Grotius, 191-193; 229; Pufendorf, 233; Thomasius and Wolff, 238; Montesquieu, 249; 278; Bentham, 313; James Mill, 315; Austin, 316
International relations, ancient theory of, 30-33; Greek theory of, 70-72; in Roman theory, 87-88; medieval theory of, 147-148; Spinoza, 231; Kant, 358; Hegel, 361; Mussolini, 376; Hitler, 382-383
International Working Men's Association, 391
Ireton, Henry, 205
Irrationalism, 363-364, 369-370; Nietzsche, 369; Pareto, 369-370; 374
Isadore of Seville, St., 147-148, 188
Italian jurists, eighteenth century, 282-283

Jackson, Andrew, 329-330
Jacobins, 301
Jacobitism, 242
James I, 178, 182; political theory of, 199-201; 202
Jefferson, Thomas, 209, 238, 256, 258, 269, 294, 327, 328; political theory of, 328-329
Jehovah, 29, 30, 32
Jeremiah, 115
Jesuits, 123, 157; political theory of, 176-177; 200, 201, 278
Jesus, political thought of, 97
John of Paris, 123
John of Salisbury, 113; political theory of, 119-120; on tyrannicide, 120; 196
Joseph II of Austria, 239
Junius Letters, 287
Jus divinum, 142
Jus gentium, in Roman law, 81; 88, 142, 148, 176, 179, 188; Grotius, 192
Jus naturale, Roman law, 82; 142, 179
Justi, Johann, 267
Justice, as defined by Thrasymachus, 44; Plato, 53-55; Augustine, 100
Justinian Code, 79

Kameralism, 266-267
Kant, Immanuel, 16, 216, 233, 257, 346, 356; political theory of, 356-358; 360
Kerensky, A., 400, 401
Kjellen, Rudolf, 382
Knowledge, Hume and the German idealists, 356
Knox, John, 166, 173

Labor theory of value, Locke, 224; 396
Lafayette, 297, 300
Laissez faire, Hume, 244; 246, 266; Physiocrats, 268; 270; Smith, 272, 306; John Stuart Mill, 319; 333, 337, 345; 373
Lamennais, Robert de, 363; political theory of, 368-369
Lamprecht, Sterling, quoted, 220
Languet, Hubert, 172n
Lao-Tze, 27
Lasalle, Ferdinand, political theory of, 342-343
Laski, H. J., quoted, 390
Latimer, Hugh, 197
Laud, William, 167
Lavéleye, E., 332n
Law, 8; in primitive thought, 22; in Greek thought, 42; Roman, 80-82; of Teutons, 103-104; feudal conception of, 106; St. Thomas Aquinas, 121; Hobbes' definition of, 219-220; Montesquieu, 249-250; Rousseau, 255; Bentham, 311; Austin, 316; Kant, 357; Hegel, 360; Savigny, 366; De Maistre, 367

Law of nature. *See* Natural law.
Lebensraum, 382-383
Lecky, W. E. H., 332n
Leibnitz, Gottfried, 233
Lenin, Nikolai, 11, 350; political theory of, 399-403
Lerner, Max, quoted, 377, 401
Levellers, 205, 292, 340
Lewis of Bavaria, 123
Liberalism, development of modern, 263-352; the future of, 351
Lieber, Francis, political theory of, 330-331
Lilburne, Lt. Col. John, 205
Lilly, W. S., 332n
Limehouse district, 350
Locke, John, 8, 11, 16, 26, 79, 193, 209, 212, 216, 221; political theory of, 223-226; 231, 239, 244, 247, 249, 252, 253, 254, 267, 268, 271, 280, 281, 285, 292, 307, 328, 396
Lollards, 138
Lombard kings, 96
Loyola, Ignatius, 176
Ludovici, A. M., 332n
Luther, Martin, 139; political theory of, 156-157; on right of revolution, 156-157; 159, 171, 175, 201
Lyceum of Aristotle, 61
Lycurgus, 42, 84, 280

Mably, Gabriel de, 279-280, 282, 297
MacDonald, Ramsay, 347
Machiavelli, N., 84, 139; political theory of, 143-146; 153, 184, 187, 189, 208, 220, 222, 231, 239, 240, 250, 252, 263
Mackinder, H. J., 383
Mackintosh, James, 304
Madison, James, 258, 313
Magna Carta, 5, 102, 133, 196, 295
Maine, Henry, 332n
Maistre, Joseph de, 363; political theory of, 367-368
Majority rule, Locke, 224; Rousseau, 254-255
Mallock, W. H., 332n
Malouet, Pierre, 300
Malthus, T. R., on the theory of population, 274-275; 336
Manchester School, 273, 306
Manegold of Lutterbach, 113
Mariana, Juan, 177, 179
Maritime law, codes of, 148
Marshall, John, 327
Marsilius of Padua, 123; political theory of, 127-129; 138, 189, 201
Martel, Charles, 96
Marx, Karl, 224, 342; attacked by Bernstein, 343; 345; life and works, 389-392; and Hegel, 392-394; political theory of, 392-399; historical materialism, 394-395; the class struggle, 395; the theory of surplus value, 396-397; theory of the state, 397; revolution, 397-398; after capitalism, 398-399; 400, 401, 402, 404
Marxism, 347; and fascism, 375
Mayer, Gustav, quoted, 390
Mayflower Compact, 211, 296
Mazarin, Jules, 228
McGovern, W. M., quoted, 365
McIlwain, Charles, quoted, 38n, 44, 52
Medieval political thought, beginnings of, 93-108; nature of, 111-113; close of Middle Ages, 132-149
Melanchthon, Philip, political theory of, 158-159
Mencius, 27, 28, 32
Mercantilism, 169, 264-267, 274
Mill, James, 273, 310; political theory of, 314-315
Mill, John Stuart, 16, 275, 310; political theory of, 318-321; 347
Milton, John, political theory of, 206-207; 221, 222, 292
Mirabeau, Comte de, 236, 297, 300, 313
Modern state, rise of, 167-170
Moh-Ti, 27, 28
Molyneaux, William, 226
Monarchy, in Hindu thought, 27; Teutonic principle of elective, 103; Dante, 126; anti-monarchic theories of the sixteenth century, 171-175; Bodin, 186-187; Filmer, 209-210; 233-234; Montesquieu, 250; Physiocrats, 268; American Revolution, 294; attacked by Paine, 294; 323-324; Hegel, 360; 367; De Maistre, 368
Monroe Doctrine, 10
Montesquieu, Baron de, 10, 195, 212, 236, 240; political theory of, 248-252; on political liberty, 250-251; on separation of powers, 251; 253, 272, 274, 278, 279, 281, 283, 285, 357, 367
Moors, 133
More, Sir Thomas, 4, 163, 169, 189, 198-199, 305
Morelly, 279
Morris, William, 340

Mosaic code, 160
Moses, 30
Mun, Thomas, 365
Munich *Putsch*, 377
Mussolini, Benito, political theory of, 374-376; 384

Napoleon, 290, 322, 359, 360, 367, 368
Nathan, 29
Nationalism, 363; Treitschke, 365; 374
Nationalism of basic industries, British Labor party, 350
National socialism. *See* Fascism.
Natural law, Stoics, 70; Cicero, 85; St. Paul, 98; William of Ockam, 129; in fifteenth century controversies, 142; Melanchthon, 158; 166; Jesuits, 176; Grotius, 191; 203, 214; Pufendorf, 232; during the eighteenth century, 237; attacked by Hume, 243; Physiocrats, 268; denied by Bentham, 311; in Fichte's early writings, 358
Natural rights, 199; development of, 202-203; 204; Locke, 224; Thomasius, 238; Voltaire, 248; 271, 282; Ferguson, 285; Blackstone, 285-286; Price, 287-288; Priestley, 287; American Revolution, 293-294; attacked by Burke, 302; Paine, 304-305; Bentham, 312; attacked by Austin, 316; Jefferson, 328; repudiated by Calhoun, 330; Kant, 357; Savigny, 366
Nature of government, New Testament, 98
Nature of man, according to the Sophists, 44
Navigation Acts, 266, 270-289
Necker, Jacques, 290
Nemours, Dupont de, 269
New Deal, 351
New Harmony, 337
New Lanark, 337
Newport Declaration, 211
Newton, Isaac, 247
Nicholas I, 113
Nicholas of Cues, 140
Nietzsche, Friedrich, 364; political theory of, 369; 374
"Noble savage," of Rousseau, 254; Holbach, 281
North, Dudley, 266, 270

Old Testament, 112, 116, 137, 211, 215
Oriental political thought, 23-25
Origin of the state, 7; in Hindu thought, 26; Aristotle, 63-64; Bodin, 185
Otis, James, 209, 238, 292, 294
Otto, 106, 109
Owen, Robert, 339; political theory of, 337
"Owl of Minerva," Hegel, 398
Oxford idealists, 346
Oxford Movement, 241

Paine, Thomas, political theory of, 294-295, 304-305; 301, 313, 328
Panopticon, 313
Pareto, Vilfredo, 364; political theory of, 369-370
Parliamentary party, political theory of, 202-204
Paul, St., 98, 116, 121
Pax Romana, 31, 88
Peasants' Revolt, 125
Peloponnesian War, 35
Penal codes, Beccaria, 283
Penn, William, 212, 283
People's Charter, 340
Pepin, 96
Pericles, 39
Perioikoi, 35
Peter, St., 96
Petition of Right, 202, 295
Petty, William, 265
"Phalanges," Fourier, 339
Phidias, 34
Philip II of Spain, 165
Philip the Fair, 123
Physical environment, Montesquieu, 249-251
Physiocrats, 246, 252, 253; political theory of, 267-270; 272, 278, 279, 282
Pierre, St., Abbé de, 247
Pietists, 238
Plato, 4, 12, 16, 34; life of, 48-50; political theory of, 48-59; dialogues of, 50; first principles of the *Republic*, 50-51; on inequality, 51; virtue is knowledge, 51; on democracy, 51-52; all-wise discretion of guardians, 52; fable of the metals, 53n; specialization of classes, 53; justice, 53-55; life of the guardians, 55-57; on education, 56; family relations of guardian class, 57; opposes private property for guardians, 57; forms of government, 57-58; the *Statesman* and the *Laws*, 58-59; 61, 78,

84, 85, 100, 137, 163, 177, 215, 249, 305, 338, 355
Plessis-Mornay, Philippe du, 172n
Political thought, origin of, 3-4; the nature of, 3-17; relation to political institutions, 4-6; problems of, 6-9; conservative and critical, 10-12; sources of knowledge of, 12-13; criticism of, 14; value of, 14-16
Politiques, political theory of, 170-171; 182, 200, 235
Polybius, classification of governments, 83-84; political theory of, 83-84; 195
Polycletus, 34
Poor Law, 310
Pope, Alexander, 241, 335
Popular sovereignty, Marsilius, 128; controversies of fifteenth century, 142-143; 204; Priestley, 287; Price, 287-288; attacked by Tucker, 288; American Revolution, 293-294; in French constitution of 1791, 300-301; attacked by Burke, 303; 326-327
Population theories, 274
Positive freedom, Green, 345-346
Positivism, Austin, 315; 318
Poynet, John, 173
Pragmatic Sanction, 279
Presbyterianism, 203, 204
Price, Richard, 284, 287-288, 297
Priestley, Joseph, 284, 310
Primitive political ideas, 21-23
Prison administration, Bentham, 313
Private property, Wyclif, 137; More, 198; Locke, 224; Physiocrats, 268; attacks on by Morelly, 279; attacked by Godwin, 305; John Stuart Mill, 319; Owen, 337
Prodicus, 43n
Progress, Nietzsche, 369; Marx, 398
Protagoras, 43n
Protestant Reformation. *See* Reformation.
Protestant Revolt, 135
Proudhon, Pierre J., 390, 392
Provisors and Praemumire, statutes of, 125
Prussian historians, 365-366
Psalmist, 126
Pseudo-Isidorean Decretals, 114
Ptolemaic astronomy, 167
Pufendorf, Samuel, political theory of, 232-233; 253, 254, 271, 285, 292
Puritan ideas, in America, 210-212
Puritan Revolution, 195-213
Puritanism, 161, 201
Pym, John, 202
Pythagorean Colony, 49

Quakers, 212
Quesnay, François, 269, 271, 282

Racism, Gobineau and Chamberlain, 370-371; 374
Rationalism, 363
Ratzel, Friedrich, 382
Reason, place in Greek thought, 41; Rousseau's distrust of, 257; German idealists, 356
"Red Terror," 373
Reform Bill of 1832, 315, 340
Reformation, 129; political theory of, 153-154; communistic religious associations at the time of, 162-164; Protestant-Catholic controversies, 165-167
Religion, in Hindu thought, 26; in Chinese thought, 27; in Hebrew thought, 28-29; Holbach, 281; Saint-Simon, 338; nineteenth century French Catholics, 367-369
Religious toleration, Milton, 206; Hobbes, 220; 221; Locke, 225-226; Spinoza, 231; Montesquieu, 252
Representation, of Teutons, 103
Restoration, political theory of, 221-223
Revisionism, political theory of, 341-343
Revolt of the Thirty, 48
Revolution, Aristotle, 67; Bodin, 187; Montesquieu, 250; Jefferson, 328-329; Marx, 397-398; Lenin, 401-402
Rhodian Sea Law, 71
Ricardo, D., 310, 396
Richelieu, Cardinal, 167, 228, 234
Right of revolution, in Chinese political thought, 28; Luther, 156-157; Melanchthon, 159; Calvin, 160-161; Politiques, denial of, 170; *Vindiciae contra Tyrannos*, 172-173; Hobbes, 219; Locke, 225; American Revolution, 292; attacked by Burke, 303
Rivière, Mercier de la, 269, 278, 282
Rodbertus, J. K., political theory of, 342
Roman de la Rose, 130
Roman law, 80-82; used to support claims of medieval emperors, 117; 124; in fifteenth century controversies, 141-142; 181; Bodin, 185; 196
Roman political institutions, 75-78

Roman political thought, 75-90; nature of, 78-80; contributions of, 89-90
Romanticism, Rousseau, 257; Wagner, 364
Romilly, Samuel, 310
Rosenberg, Alfred, 377, 378n, 379
Rota Club, 209
Rousseau, Jean-Jacques, 7, 8, 11, 16, 26, 57, 215, 216, 223, 226, 230, 236, 244, 252; political theory of, 252-258; on general will, 254-255; and democratic institutions, 256; and German idealism, 257; 263, 268, 278, 280, 281, 283, 284, 287, 288, 298, 299, 303, 315, 325, 331, 340, 346, 351, 355, 356, 357, 358, 374, 381
Rühle, Otto, quoted, 389, 391
Rule of law, Aristotle, 63; Aristotle and Plato compared, 63; John of Salisbury, 120; Harrington, 208
Russell, Bertrand, quoted, 400n
Rye House Plot, 222

Sabine, G. H., quoted, 36, 86n, 346, 375, 381, 403
Saint Bartholomew's Day, Massacre of, 172
Saint-Simon, Count Henri de, political theory of, 338
Salmasius, Claudius, 207
Samuel, 29
Saul, 29
Savigny, Friedrich Karl von, 363; political theory of, 366; 389
Savile, George, Marquis of Halifax, 222
Savonarola, 145
Schopenhauer, Arthur, 369
Scientific method, 62
Selden, John, 202, 229
Self-interest, Helvetius, 280; Beccaria, 282; Ferguson, 285; John Stuart Mill, 318
Separation of powers, Locke, 225; Montesquieu, 251; Blackstone, 286; attacked by Paine, 294; in American constitutions, 296, 324; Kant, 357; Hegel, 361
Serra, Antonio, 265
Servius, Louis, 170
Seven Years' War, 277, 290
Seysell, Claude de, 172
Shaftesbury, Lord, 223, 236, 239
Shaw, George Bernard, 347, 348
Shelley, P. B., influenced by Godwin, 305; 306
Siéyès, Abbé, 209, 299, 300, 301
Sin, Church Fathers, 99; Augustine, 101; Wyclif, 136
Sismondi, Jean de, 337
Slavery, Aristotle, 64; Apostles, 98; Church Fathers, 99; Augustine, 100; Bodin, 187
Smith, Adam, 244, 266, 267, 269; political theory of, 271-273; 284, 287
Social classes, in Oriental society, 23
Social contract, 199, 204; attacked by Filmer, 209; 215-216; Hobbes, 218-219; Locke, 224-225; Pufendorf, 232; attacked by Hume, 243; Rousseau, 254; Hobbes, Locke, and Rousseau, 258; Holbach, 281; American Revolution, 292; attacked by Burke, 302; rejected by Austin, 316; Jefferson, 328; 357; in Fichte's early writings, 358; attacked by Hegel, 360
Social Democratic Federation, 349
Social Democrats, 341-342, 343
Socialism, 9; causes of, 335-336; rise of democratic, 335-344; the utopians, 336-340; nineteenth century social movements, 340; German revisionism, 341-343; British, 345-351; the Fabians, 347-348; the guild socialists, 348-349; the British Labor party, 349-351; opposed by Mussolini, 376; Marx's criticism of French socialism, 390
Socrates, political thought of, 45-46; 48, 74, 318
Socratic method, 46
Solemn League and Covenant, 203
Solomon, 29, 33
Solon, 36, 42, 280
Songe du Verge, 130
Sonnenfels, F. J., 274n
Sophists, political thought of, 43-44; 51
Sophocles, 34
South Sea Bubble, 241
Sovereignty, idea of, 8; Althusius, 174; rise of the modern theory of, 181-184; Bodin, 185-186; Grotius, 193; Hobbes, 219; Pufendorf, 232-233; Rousseau, 255; Blackstone, 285; Bentham, 311; Austin, 315-317; *Doctrinaires*, 324-325; Calhoun, 330; Green, 346-347; 357; Hegel, 360
Sparta, government of, 35
Spencer, Herbert, 345, 346
Speusippus, 61

Spinoza, Benedict, political theory of, 230-231
S. S. Elite Guard, 369
Stalin, Joseph, 11; political theory of, 403-404
Stamp Act, 289
State activities, scope of, 9
State, in Hindu thought, 26; Greek conception of, 41-42; Aristotle, 64-65; Cicero, 86; rise of modern, 167-170; distinguished from government by Rousseau, 255; Hegel's conception of, 360-361; Savigny, 366; De Bonald, 368; Mussolini, 376; Marx, 397
State of nature, in Hindu thought, 26; Aeneas Sylvius, 140; Hooker, 197-198; evolution of idea, 214-215; Hobbes, 218; Locke, 223-224; Pufendorf, 232; Rousseau, 253
Stephen, J., 332n
Stephen, Leslie, 14
Stoics, political theory of, 68-70; 78, 85, 214
Storm Troopers, 377
Strachey, John, quoted, 350
Suarez, Francisco, political theory of, 178-179; distinguishes *jus naturale* from *jus gentium*, 179; 190, 193
Supermen, Nietzsche, 369
Surplus value, Marx, 396-397
Süssmilch, Johann, 274n
Sydney, Algernon, 209, 222, 292, 328
Sylvester II, 114
Sylvius, Aeneas, 140
Syndicalists, French, 349

Taboo, 21
Taylor, John, 328
Teutons, democratic institutions, 102-103; political ideas of, 102-104
Thirty Years' War, 228
Thomasius, Christian, 233; political theory of, 237-238
Thompson, William, 337
Thucydides, 39
Tocqueville, Alexis de, political thought of, 326
Treitschke, Heinrich von, 8, 27, 363; political theory of, 365
Trotsky, Leon, 403
Tucker, H. St. George, 328
Tucker, Josiah, 271, 273, 288
Turgot, Jacques, 269, 271, 278, 290, 297
Two swords, doctrine of, 112-113
Tyndall, William, 197
Tyrannicide, John of Salisbury, 120; St Thomas Aquinas, 122; Mariana, 177; Barclay, 178

Ulpian, 79, 214
Ultramontanism, De Maistre, 368
Universal German Workingmen's Association, 342
Universal suffrage, 205, 310
Utilitarianism, Helvetius, 281, 306; the basic doctrine, 307-309; political theory of, 307-321; attacked by Carlyle, 364; attacked by Savigny, 366
Utopian socialism, 336-340, 342, 392

Vasquez, Ferdinand, 189
Vattel, Emeric de, 238, 292
Vauban, Marshall, 234, 267
Vergil, 126
Vico, Giambattista, political theory of, 240
Victoria, Francisco a, 189
Vindiciae contra Tyrannos, 172, 199, 215
Volk, 363; Wagner, 363; 374, 380
Voltaire, 212, 236, 239, 247-248, 253, 278, 281, 283

Wadford, William, 136
Wagner, Richard, 363; political thought of, 364
Waldenses, 162
Wallas, Graham, 340, 347
Walpole, R., 242
War, Hegel, 361
War of 1812, 291
War of the Roses, 132, 197
Watkins, Frederick, quoted, 379n
Webb, Sidney, 347
Webster, Daniel, 329
Wells, H. G., 340, 347
Westphalia, treaties of, 149; peace of, 228
Wilkes, John, 287
William of Ockam, 123; political theory of, 129-130; 138, 189, 196, 201, 215
Williams, Roger, 211
Willoughby, W. W., quoted, 41; 331
Wilson, James, 292-293, 294
Winstanley, Gerard, 205
Wolff, Christian, 233; political theory of, 238-239
Wollstonecraft, Mary, 297n

Written constitutions, Paine, 295; theory of in French Revolution, 299; demand for during nineteenth century, 322-324
Wyclif, John, 101; political theory of, 136-137; 196

Xenophon, 44

Young European Association, 341
Young Germany Society, 341
Young Italy movement, 341

Zeno, 69
Zwingli, Ulrich, political theory of, 159-160





GEORGE ALLEN & UNWIN LTD
London: 40 Museum Street, W.C.1

Auckland: Haddon Hall, City Road
Sydney, N.S.W.: Bradbury House, 55 York Street
Cape Town: 109 Long Street
Bombay: 15 Graham Road, Ballard Estate, Bombay 1
Calcutta: 17 Chittaranjan Avenue, Calcutta 13
New Delhi: 13-14 Ajmere Gate Extension, New Delhi 1
Karachi: Metherson's Estate, Wood Street, Karachi 2
Toronto: 91 Wellington Street West
São Paulo: Avenida 9 de Julho 1138–Ap. 51
Singapore: (South East Asia & Far East), 36c Prinsep Street

HUMAN SOCIETY IN ETHICS AND POLITICS

Bertrand Russell

The major political problems are now of so vital a nature that viewed in their contemporary context they excite emotions which sweep aside objective opinions. Bertrand Russell, by setting our actual problems in the large impersonal framework of ethics, hopes that they can be viewed with less heat and less fanaticism. He devotes the first half of his book to an undogmatic restatement of ethical beliefs and feelings, and the second half to applying this ethic to current political problems. He does not attempt to deal fully with the theory of politics but only where it is closely related to ethics, and is of urgent practical importance now.

'. . . I have again been captivated by the strength of Lord Russell's intellect, the elegance of his prose and the causticity of his wit. He is the Voltaire of our time, and one likes or dislikes him accordingly.'—*Sunday Times.*

Demy 8vo., 16*s.* net.

A GRAMMAR OF POLITICS

Harold Laski

This work is not only a full discussion of the basis of political institutions, but also a series of concrete and practical proposals for the reconstruction of the present social order. Professor Laski deals with the political system as it manifests itself both in Legislation and administration, and in the courts and economic enterprise. His proposals attempt the detailed readjustment of them all to the political philosophy upon which his work is based. The volume therefore appeals not only to the student of political science, but to the lawyer and the civil servant, to all, indeed who are interested in the development of a new politics.

Demy 8vo., 5th Edition, 12th Impression, 30*s*

GEORGE ALLEN & UNWIN LTD